

#4

DEC 07 2015

**ORDINANCE NO. 4672**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING CHAPTER 32 OF THE CHANDLER CITY CODE REGARDING SPECIAL EVENTS ON PUBLIC AND PRIVATE PROPERTY.

BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

**Section I.** Section 32-1 shall be deleted in its entirety and the following Section 32-1 shall replace it:

**32-1. - Definitions.**

For purposes of this chapter, the following words, terms and phrases shall have the meanings respectively ascribed to them in this section:

- A.** ADA & Accessibility means as defined in the Americans with Disabilities Act.
- B.** **Adjacent** means any property located within the final plat (as defined in Chapter 48) of a retail shopping center of the proposed special event and any other retail properties within 300 feet of the external boundaries of the retail shopping center where the special event is located.
- C.** **Amusement Rides/Activities** are rides, games or mechanical devices typically at carnivals, fairs, and amusement parks.
- D.** **Applicant** means the person, as defined in Section 1-2, applying for a Special Event permit. If applicant is an entity rather than a natural person, the applicant shall authorize and designate (in writing) a natural person as agent for the applicant. This individual assumes joint responsibility for the compliance with the application requirements and permit requirements. If applicant is not the owner of the real property on which the special event will occur, the applicant must be authorized in writing by the land owner to represent the land owner during the special event application process and through the completion of all special event activities. The authorization by the land owner of the applicant shall bind the land owner to obligations of the permitting and application process for the special event.
- E.** **Business/Promoter** means all persons, as defined in Section 1-2, without documented non-profit 501(c) status recognized by the federal government (IRS).
- F.** **Canopy** is a structure with a covered top only and no sidewalls.
- G.** **City Center** is that area of the downtown located North of Frye Road, South of Chandler Boulevard, West of Delaware Street and East of Dakota Street and the San Marcos Golf Course.
- H.** **Civic Event** is any special event open to the general public using or occupying public sidewalks, streets, rights-of-way, or other publicly owned property or a special event on private property which by reason of its proposed size, estimated attendance, or activity substantially impacts the special event site, neighboring properties, parking, pedestrian, traffic flow, or demand for City services as determined by the respective permitting committee.
- I.** **Duration of Special Event** means the total hours a special event is using a location for set-up, hours when the special event is open to the public, plus the tear down of the special event.
- J.** **Special Event Hours** means the aggregate of the hours a special event is open to the general public for business, the time frame from the special event start time to its end but does not include set up or tear down of the special event.

- K. Special Event Day** means a calendar day, or portion thereof, a special event is open to the general public for business, the time frame from the special event start time to its end time but does not include set up or tear down of the special event.
- L. Special Event Participant** means anyone who is involved in participating in the production of the event, i.e. the producer, the vendor, entertainment, etc.
- M. Fee** means any monetary charges related to the organization, promotion and conduct of a special event and paid to the appropriate entity charging the fee
- N. Permitting Committee** means the group of City staff assigned to review, recommends changes, approve, deny and enforce the applications and requirements for civic and TSPE events to take place.
- O. Inflatable Bouncers** means any mechanism that is inflated with air and individuals enter it, jump on it or participate in an activity within the inflated structure.
- P. Nonprofit** is an entity or organization that has been recognized as tax exempt 501(c)3 by the Internal Revenue Service and is in good standing and which can provide, with its application, a verifiable copy of the IRS tax exemption letter.
- Q. Nonresident** means any person (as defined in Section 1-2), that lives, operates, or locates their establishment outside the City limits.
- R. Open Flame/Food-Beverage Permit** may apply to any vendor or participant that uses open flame in assembly occupancies, bonfires, agricultural burns, use of candles, use of flame producing equipment, or any other type or use of open flame in any setting.
- S. Parade** means any parade, march, motorcade, organized bicycle or foot race ceremony, show, exhibition, pageant, or procession of any kind or similar display which does not intend/desire to comply with normal and usual traffic regulations or controls or unusually impacts the right-a-ways surrounding or within the route.
- T. Permit** means any required approval documentation related to the operations needed to conduct a special event.
- U. Resident** means any person (as defined in Section 1-2) that lives, operates, or locates their establishment within the City limits.
- V. Site Plan/Layout/Map** is a to-scale drawing, sketch or schematic of a special event area with all the necessary information relative to the set-up of the special event. The information provided includes: showing the area to be used, the location, type and amount of equipment, vendors, game booths, stands, stages, seating and other amenities/activity placements, the areas to be used for parking showing ingress/egress, bordering and/or adjacent roadway(s), placement of signage, water/electricity, and any other items necessary for the special event.
- W. Special Event** means any event such as a fair, parade, march, procession, festival, street dance, circus, carnival, concert, performance, rodeo, race, Christmas tree or pumpkin sales lot or other temporary activity using outdoor spaces or requesting an extension of premises and inviting and/or advertising general public participation and patronage (with or without charge) whether held on public or private property. Special Events may be either civic events or Temporary Sales and Promotional events. Special Events do not include private block parties or private events to which the general public is not invited or allowed to participate. (For block parties please see Chapter 46-3.3)
- X. Special Event Coordinator** means a city staff member designated by the city as a liaison between applicant and the city departments/permitting committee for the special event.
- Y. Special Event Vendor** is any person, as defined in Chapter 1-2, participating as a Vendor at a Special Event providing information on a business, nonprofit organization, product and/or

service and selling merchandise, products, food, and/or drinks in an approved Special Event. Special Event Vendors making sales are subject to privilege tax license pursuant to the provisions of the Chandler Tax Code, Chapter 62. The fee for Special Event Vendor registration shall be set by the City Council resolution that establishes citywide fee schedules.

**Z.** **Tent** is a structure with a covered top (roof) and has at least one covered side.

**AA.** **Temporary Sales And Promotional Event (TSPE)** is a special event or combination of special events not exceeding 48 calendar days in any calendar year using private property to display and sell merchandise customarily sold in a store on the premises OR activities promoting a special event, product, merchandise or other promotion including, but not limited to grand openings, change of business ownership, business anniversaries and other events on private, nonresidential property.

**Section II.** Section 32-2 shall be deleted in its entirety and the following Section 32-2 shall replace it:

**32-2. - Permits required.**

No Special Event may be held and no person, group, sponsor or organization shall hold, promote, sponsor, or stage a Special Event without first obtaining a Special Event permit pursuant to this Chapter 32.

**Section III.** Section 32-3 shall be deleted in its entirety and the following Section 32-3 shall replace it:

**32-3. Special Events - Permitting Committees.**

**A.** The Special Events and TSPE application processes are overseen by City staff working groups. The Community and Neighborhood Services Director or designee may appoint a City employee and/or group of employees within the City to oversee each application process.

**B.** Powers and Duties of the Special Events Permitting Committees

1. To coordinate with City Departments and with other governmental agencies for the provision of governmental services for special events.
2. To review and approve, deny or conditionally approve applications for special event permits.
3. To make recommendations to the City Department Directors, City Manager's Office and/or City Council regarding allocation of City resources for Special Events.

**C.** Special Events Committee

1. **Duties.** The Special Event Committee oversees the Special Event applications.

2. **Members.** The Special Events Committee is hereby established consisting of City employees as follows:

a) Special Events Coordinator who is the Committee Chair.

b) One (1) or more representatives as appointed by the relevant Department

Directors from:

- (1) City Attorney's Office
- (2) Downtown Redevelopment Manager
- (3) Police Department
- (4) Fire Department

- (5) Community and Neighborhood Services
- (6) Management Services
- (7) Communications and Public Affairs
- (8) Transportation and Development
- (9) Additional staff members as needed

c) One (1) individual representing the following organizations:

- (1) Downtown Chandler Community Partnership
- (2) Mayor's Committee for Disability

d) The Special Events Committee will meet twice a month on the first and third Thursdays during normal business hours. Meeting will not take place on City holidays or when there are no applications or business to review.

e) The Special Event Committee Chair is responsible for maintaining Committee records, arranging meeting times and places, coordinating the application procedures with applicants, issuing permits on behalf of the Committee, and monitoring applicants' compliance with requirements and conditions of the Special Event permit.

**D. Temporary Sales and Promotional Events (TSPE) Committee.**

a) **Duties.** The Temporary Sales and Promotional Events Committee oversees the TSPE applications.

b) **Members.** The TSPE Committee is hereby established consisting of City staff members as follows:

(1) Community and Neighborhood Services Director and/or designee who will be the Committee Chair

(2) One (1) or more representatives as appointed by the relevant Department Directors from:

(a) City Attorney's Office

(b) Police Department

(c) Fire Department

(d) Community and Neighborhood Services

(e) Management Services

(f) Additional staff members as needed

(3) The TSPE Committee will meet weekly as application reviews are needed during normal business hours. Meeting will not take place on City holidays or when there are no applications or business to review.

(4) The TSPE Committee Chair is responsible for maintaining Committee records, arranging meeting times and places, coordinating the application procedures with applicants and issuing permits on behalf of the Committee.

**Section IV.** Section 32-4 shall be deleted in its entirety and the following Section 32-4 shall replace it:

**32-4. - Applications.**

**A.** An application for a Special Event or TSPE permit shall be made on forms furnished by the City.

**B.** Time Frame to Submit Application

**1. Special Event Application.** The completed application shall be filed with the Special Events Coordinator not less than six (6) months prior to a first-time held special event within City limits or not less than two (2) months for a re-occurring special event.

**2. TSPE Application -** The completed application shall be filed with TSPE committee designee not less than fourteen (14) days prior to the proposed special event date.

**C.** Special Event Application Process

**1.** The application for a special event permit shall set forth, at a minimum, the following information and provide the following areas of review:

**a)** The company or organization name, mailing and physical address and telephone number of the headquarters of the organization.

**b)** The applicant's name, email address, and office and cell phone number.

**c)** The date(s) and hours the special event is to be held and conducted including set-up and tear-down hours.

**d)** The approximate number of guests in attendance at the special event.

**e)** Written permission of the property owner if any portion of the location includes or prohibits access into any private property.

**f)** A complete description of the special event and all activities.

**g)** The location including assembly areas, display areas, the route to be traveled, the starting point and the termination point, parking, and any closures of streets, sidewalks or rights-of-way requested.

**h)** A special event site plan/layout showing the proposed area to be used, the location, type and amount of equipment, vendors, game booths, stands, stages, seating

and other amenities/activity placements, the areas to be used for parking showing ingress/egress, bordering and/or adjacent roadway(s), placement of proposed signage, water/electricity, and any other items necessary for the special event.

i) Description of the scope of use of any open flame devices, flammable or combustible liquids or gases and complete additional forms for each area needed. If any fireworks or pyrotechnic special effect materials are planned to be used applicant shall provide the information requested on the fireworks page of the application form and the use shall conform to the applicable Fire Code.

j) A Public Safety Plan describing the scope of use for all needs related to security and Police Department needs.

k) A Traffic Control Plan describing the scope of use for all needs related to road closures, parking, right-a-way usage, traffic diversions, etc.

l) An Emergency Evacuation Plan describing the scope of use for all needs related to the protection and safety of the special event.

m) A Signage Plan describing the proposed signs to advertise the special event including size, shape, color, types, materials and construction, and locations.

n) If the applicant intends to provide overnight accommodations for recreational vehicles and campers, a written proposal describing such provisions including waste disposal.

o) Any additional information which the Special Event Permitting Committee finds reasonably necessary to adequately describe or clarify the project or its impact or to make a fair determination as to whether a permit with or without conditions should be issued. The Special Event Permitting Committee may waive any of the above information when, in its opinion, the information is not applicable.

## **2. Political March or Rally Application**

a) The special event application will need to be completed and filed with the Special Events Coordinator.

b) Anything to the contrary notwithstanding special events involving a political march or rally, or other exercise of rights guaranteed by the First Amendment of the United States Constitution or Article II, Section 6, of the Arizona Constitution, shall be filed not less than fourteen (14) calendar days prior to the date of the special event.

c) Provided, however, an application for such political march, rally, or other exercise of constitutional rights may be filed less than fourteen days prior to the date of the special event if it is accompanied by a statement from the applicant that the reason or

impetus to hold such an special event did not occur until less than fourteen days prior to the special event and the application was filed promptly after the desire or intention to hold such an special event was formed.

d) For good cause, the Special Events Committee may waive the filing deadlines.

**Section V.** Section 32-5 shall be deleted in its entirety and the following Section 32-5 shall replace it:

**32-5. – Application Fees.**

A. Special event applications submitted for review are required to pay the application fees in accordance with the Council resolution that establishes all City fees, unless exempted as provided herein.

1. Fees must be submitted according to the established policies by the Community and Neighborhood Services Department or the overseeing City Department.

2. Fees are assigned by resident or nonresident applicants and are non-refundable.

**Section VI.** Section 32-6 shall be deleted in its entirety and the following Section 32-6 shall replace it:

**32-6. – Additional Permits/Fees.**

A. Additional Permits

The Special Events application process may demonstrate that one (1) or several additional fees, permits and/or licenses may need to obtain by the applicant and/or the participants. The information on the application will assist the City to advise the applicant of other necessary permits, licenses and approvals needed. However, it is the applicant's responsibility to obtain all required permits, licenses and approvals and ensure their participants' obtain the require permits, licenses and approvals prior to the date of the special event.

B. These fees, permits and/or licenses may include, but are not limited to:

1. Park/Space Rental Fees
2. Equipment Rental Fees
3. Special Event Pre/Day of/Post-Staff Costs
4. Fire Department Fees
  - a) Canopy/Tent Fees
  - b) Pyrotechnic Fees
  - c) Carnival/Amusement Ride Fees
  - d) Open Flame Burn Fees
  - e) Emergency Medical Response Fees

f) Inspection Fees

**5. Tax & License Fees**

a) Transaction Privilege Tax License Fees

b) Special Event Liquor License Fees

**6. Police Department Costs**

7. Applicant is also responsible for payment of any fees and the obtainment of any permits or licenses from other governmental agencies for the conduct of the special event.

**Section VII.** Section 32-7 shall be deleted in its entirety and the following Section 32-7 shall replace it:

**32-7. - Review process.**

**A. Special Event Applications**

Applications for all special events shall be reviewed by their respective permitting committee which shall approve, deny or conditionally approve such applications based on the requirements listed below and any other requirements imposed by this City Code or other law. The respective permitting committee may appoint one (1) member or a subcommittee to review, approves, deny or conditionally approve smaller special events where all health and safety concerns have been addressed and may adopt uniform regulations for different types of special events.

**B. The proposed special events:**

1. Shall not interfere or conflict with previously scheduled events, construction, maintenance or other activities;
2. Shall provide a safe environment and not endanger participants, spectators, or the general public.
3. Shall not interfere with the movement of police, fire-fighting or emergency medical equipment in route to a police, fire or emergency medical call.
4. Shall not cause undue hardship to adjacent businesses or residents;

**a) TSPE Applications**

- (1) Applicant may be required to notify adjacent businesses and property owners of the proposed special event. Should the special event utilize Mobile Food Units, as defined in Chapter 21, notification of adjacent businesses and land owners is required.
- (2) Proof of approval from adjacent businesses and property owners may be required prior to review of proposed special event application.



(3) Any special event meeting the stipulations of 32-8.1(B)(iv) must provide proof of approval from adjacent businesses and property owners prior to permit approval.

**b) Special Event Applications**

(1) Applicant may be required to notify adjacent businesses of proposed special event

(2) Shall provide adequate security, crowd control, parking and traffic control measures and shall not substantially interrupt the safe and orderly movement of other traffic contiguous to the special event.

(3) If applicant proposes or is required to use such measures, such use shall not interfere with adequate police and fire protection for the remainder of the City.

(4) If applicant requires traffic control, barricades, or signs, applicant shall rent or otherwise obtain items through an approved traffic company, provide a traffic plan to the appropriate City department and pay any expense associated with these measures.

(5) If applicant proposes or is required to use City police officers for such measures, applicant shall pay in advance the full cost and expense of all City police officers providing services for such special event.

(6) All special events shall comply with Fire Code requirements and must be approved by Fire Department as part of this process. Upon evaluation of application by the Fire Chief or a designated representative, the applicant may be required to:

(a) Provide fire standby personnel.

(b) Shall provide on-site emergency medical services by the City Fire Department for any special event such service is determined to be necessary due to special needs, conditions, or hazards.

(c) Acquire operational permits for open flames, pyrotechnics, carnivals, etc.

(7) Upon evaluation of the application by the Police Chief or a designated representative, the applicant may be required to:

- a. Hire off-duty officers for within the special event or traffic needs.
  - b. Provide security plans and/or details.
- (8) Shall provide general liability insurance with a company acceptable to the City and in an amount sufficient to cover the special event.
  - (a) All special events using public property, shall be covered by an insurance policy naming the City as an additional insured.
  - (b) The types and limits of the required insurance policy will be assessed and determined during the review process
  - (c) The applicant shall provide, in a form acceptable to the City Attorney, indemnify and hold harmless the City, its officers and staff for the conduct of the special event.
- c) Shall provide for refuse collection and removal.
  - (1) Applicant shall provide the City with copies of executed contracts, the names of companies providing clean-up, trash removal, and toilet facilities.
  - (2) During and within twenty-four (24) hours of the conclusion of the special event, applicant shall clean the special event area, adjacent parking lots, landscaping, and right of way of all rubbish and debris, returning the area to its pre-event condition.
  - (3) Parades and other activities using City streets may be required to pay for street sweeping.
  - (4) Special events may need to provide cleaning deposit prior to start of special event.
- d) Applicant shall submit the Special Event Vendor registration and shall be valid only for the dates of the Special Event for which it is issued.
  - (1) Any and all companies, businesses and nonprofit organizations who participate as a Special Event Vendor must be listed on the registration for each special event.
  - (2) Special Event Vendor shall provide the applicant its Transaction Privilege Tax License number and paying transaction privilege taxes imposed in accordance with Chapter 62 (Chandler Tax Code).
  - (3) Should an applicant not register a Vendor on the Special Event Vendor Registration and/or does not provide a valid Transaction Privilege Tax License, the unregistered vendor shall not be permitted to participate in the Special Event.

- (4) Shall provide adequate toilet and on-site water facilities.
- (5) Applicant shall provide for waste disposal when necessary
- (6) Overnight accommodations for recreational vehicles and campers must have the approval of the Community and Neighborhood Services Director or designated person.
- (7) Shall comply with all health department regulations.
- (8) Shall comply with the ADA accessibility standards, including, but not limited to, not blocking public sidewalks, structures, installing cables or electrical cords such that they do not create an obstacle for those covered by the ADA, making available parking and toilets and other facilities ADA accessible. Vendors should be prepared to meet reasonable requests for accessibility accommodations.
- (9) Temporary signs advertising special events, which signs are approved through this process, shall be exempt from other sign regulations of the City Code.
- (10) Shall ensure that all appropriate licenses and permits are displayed at the location where the applicant conducts their activities. Vendors not in possession of the appropriate licenses and permits will not be permitted to participate.

**C. Application Review:**

- 1. If possible, fifteen (15) days' written notice of the proposed application review before the respective permitting committee shall be provided to applicant. If fifteen days' notice is not possible, such advance notice as may be reasonably given in the circumstances shall be given.
- 2. A written notice of decision shall be sent to the applicant at the address stated on the application, delivered personally to the applicant or via electronic mail at applicant's request within 15 days of application being reviewed.

**Section VIII.** Chapter 32 shall be amended by the addition of Section 32-8 as set forth below:

**B. 32-8. – Term of Special Event Permits.**

**1. x**

32.8.1 A permit may be approved as follows during one (1) fiscal year from July 1 to June 30. A permit's term may be altered at the request of the applicant in writing to the Community and Neighborhood Services Director or designee for review and final decision.

**A. Special Event**

- i. Special Event Series, i.e. Weekly, Monthly and/or Quarterly Farmers Market

1. Special Events that do not require parking lot and/or road closures, not to exceed six (6) special event hours per day
  - ii. Limited Special Event Series, i.e. 6 Week Saturday Concert Series
    1. Series not to exceed eight (8) event days, twelve (12) special event hours per day
    2. Special Event Days cannot exceed three (3) consecutive days and must have a minimum of four (4) days between special event series days and/or block of days
  - iii. Annual Special Event, i.e. only take place once at a single location
    1. Special Events not to exceed seven (7) consecutive special event days, twelve (12) special event hours per day
- B. Temporary Sales and Promotional Event (TSPE)**
- i. TSPE Annual Event, i.e. theme special event taking place once a year at a single location
    1. Special Events not to exceed four (4) consecutive special event days, twelve (12) special event hours per day
  - ii. TSPE Non-Seasonal – Maximum of six (6) hours in one (1) day, for no more than four (4) consecutive days per special event for the same location within a thirty (30) day period from the end date of a previously issued permit
  - iii. TSPE Seasonal - such as fireworks, pumpkin and/or Christmas tree lots must meet permit requirements and may receive approval for up to forty – five (45) consecutive days. An administrative Temporary Use Permit issued by the Planning Department is required for any temporary facility, constructions trailer, or sales office associated with the seasonal sales special event. Amenities and facilities must all be included in the application to be permitted. Addition of unpermitted amenities and facilities may be a cause for revocation of the permit.
  - iv. Any TSPE utilizing Mobile Food Units, as defined in City Code Chapter 21, is required to obtain permission from adjacent businesses and property owners if the special event is located within a retail center or plaza, and any of the following apply to the special event:
    1. The special event will utilize more than 2 mobile food units.
    2. The special event will be held on a reoccurring basis.
    3. The special event will utilize mobile food units for more than 1 special event day.

**Section IX.** Chapter 32 shall be amended by the addition of Section 32-9 as set forth below:

**32-9. – Reasons to Deny Special Events.**

32-9.1. In addition to other reasons set forth in this chapter, an application for a Special Event permit may be denied for the following reasons:

- A. There is a documented history of problems relating to the special event in the past or the applicant has not properly managed prior special events.
- B. The applicant has, in applying for the permit, or in applying for, organizing or conducting any prior special event:
  - i. Made material misrepresentations regarding the nature or scope of an special event; or
  - ii. Violated the provisions of this article, or of prior permits issued pursuant to the provisions of this chapter; or
  - iii. Damaged city property and not paid in full for such damage.
- C. The permit application contains a material falsehood or misrepresentation.

32-9.2. Appeal. The decision of the respective Permitting Committee shall be final unless the applicant files an appeal to the City Manager in accordance with Section 1-7.

- A. The appeal must be in writing and filed with the City Clerk within fifteen (15) days of the date of the sending of the notice of decision. The appeal hearing shall be conducted in accordance with the procedures set forth in Chapter 1.

**Section X.** Chapter 32 shall be amended by the addition of Section 32-10 as set forth below:

**32-10. – Civic Special Event Requirements.**

32-10.1. Civic Events may be held for the purpose of advertising products, goods, or events, or be designed purely for private profit.

- A. Such events may be subjected to higher fees for the rental of event space.
- B. Such events wishing to provide liquor sales will need to be in compliance with the State of Arizona’s regulatory status of proceeds to the nonprofit license holder. .

32-10.2. Applications for Civic Events proposing to use public property within the City Center will be subjected to the following:

- A. Proposed application will be distributed to the Downtown Chandler Community Partnership, Inc. or its successor for review, comment and suggestions for conditions to lesson impacts on City Center businesses.

32-10.4. Cancellation of special event.

- A. If an special event is canceled by the City or applicant:
  - i. The space rental fee will be refunded according to the cancellation policy set forth by the Community and Neighborhood Services Department Recreation Division.
  - ii. The City will deduct any costs incurred by the City in preparation for or resulting from the public's anticipation of the special event prior to refunding any of the applicant's advance payments.

**Section XI.** Chapter 32 shall be amended by the addition of Section 32-8 as set forth below:

**32-11. - Requests for allocation of City resources to assist Special Events.**

32-11.1 Civic Events



ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

**CERTIFICATION**

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4672 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_ day of December, 2015, and that a quorum was present thereat.

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY (*kb*)

PUBLISHED: