

Addition of Articles I through VI to Chapter 22 of the Scottsdale Revised Code and Amendments to Chapter 47, Article IV, Division 1 of the Scottsdale Revised Code

NOTE: Amendments are reflected below with all new language depicted in grey shading and all deleted language depicted with a strikethrough. Individual subsections within the various sections that are not being amended are not set forth. Consequently, the numbering of the subsections to be amended as set forth in this document may not be consecutive.

CHAPTER 22 – SPECIAL EVENTS

ARTICLE I. PURPOSE, SCOPE, DEFINITIONS.

Sec. 22-1. – Purpose.

Special events are an important part of Scottsdale’s economic, community and tourism well-being. Regulation is essential to promoting success, managing impacts and protecting the public health, safety and welfare.

Sec. 22-2. – Exemptions.

- (a) Special events occurring entirely on publicly-owned land over which the City of Scottsdale does not have jurisdiction are exempt from the requirements of this Chapter.
- (b) Special events occurring entirely at Scottsdale Airport and WestWorld are exempt from this Chapter.
- (c) Articles III through VI do not apply to special events organized, in whole or part, by the City of Scottsdale. A special event for which the City solely provides funding or sponsorship is not a special event organized, in whole or part, by the City for purposes of this section.
- (d) Special events occurring entirely within the following locations are exempt from Articles III through VI:
 - (1) City parks;
 - (2) McDowell Sonoran Preserve;
 - (3) Scottsdale Stadium;
 - (4) Scottsdale Mall.
- (e) Nothing in this chapter shall limit the City’s ability to enter into license agreements on such terms and conditions as the City determines to be favorable, for use of City property;

Sec. 22-3. – Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the following meanings, except where the context clearly indicates a different meaning:

Applicant means any person or organization that seeks a permit from the City to conduct a special event governed by this Chapter.

City Manager means the City Manager as appointed pursuant to the City's Charter and includes the City Manager's designee.

Concessions means food, beverage, alcohol, merchandise or convenience items.

Special event means an organized, temporary activity or series of temporary activities held outdoors, on public property or private property that is inconsistent with the legal use of the property under the City's Zoning Ordinance and open to the public by advertisement or invitation, with or without charge. Any reference to "special event" in the Code other than in this Chapter shall mean "special event" as defined herein.

Special events administrator means a City employee designated by the City Manager to administer the provisions of this Chapter.

Grand opening means the introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business changing ownership or location.

Seasonal sales means an outdoor sale of seasonal materials, and is limited to fireworks, pumpkins and Christmas trees.

Sidewalk sale is an outdoor sale conducted by the owner of a retail establishment of products normally sold within the retail establishment.

Special vehicle sale means a short term or seasonal sale of vehicles.

ARTICLE II. SPECIAL EVENT CRITERIA.

Sec. 22-4. – Special Event Criteria.

(a) Special event organizers shall ensure that a special event is conducted as follows:

- (1) The special event provides a unique organized, civic, cultural, educational, entertainment or recreational activity or experience.
- (2) The size, attendance and nature of the special event are suitable for the proposed location and duration.
- (3) Traffic associated with the special event can be managed to accommodate expected special event attendance.
- (4) Parking is provided to accommodate special event staff, participants and spectators.
- (5) To protect the safety of special event staff, participants, spectators, and the public, adequate security and emergency medical services are provided, and all temporary structures are safe.
- (6) Restroom facilities are provided to accommodate expected special event attendance.
- (7) Trash is managed and removed in a timely manner after the special event and the site is left in the same or better condition than before the special event.

- (8) Noise is managed to minimize the impact on neighboring residences and businesses.
 - (9) Economic and other impacts to other properties, residences and businesses are adequately addressed, so that the net aggregate impact of the special event on area businesses and residences is not negative.
 - (10) The special event is able to be accommodated for its duration and its location with required City services.
- (b) The applicant shall demonstrate the ability to successfully carry out the proposed special event, including, if applicable, a past record of successful special event performance.
 - (c) The special event shall comply with applicable laws, ordinances and City policies, regulations and procedures.
 - (d) Additional criteria for special events on City property. For a special event on City property, in addition to the criteria in subsections (a) through (c) of this section, the special events administrator shall consider whether the special event:
 - (1) Partners with Scottsdale businesses to encourage retail and/or restaurant sales;
 - (2) Attracts regional, national or international attendance;
 - (3) Promotes Scottsdale in special event-related marketing;
 - (4) Features or includes entertainment or attractions of regional, national or international quality or interest;
 - (5) Provides civic or cultural benefits.
 - (e) Additional Permits. The applicant shall obtain any and all additional permits required to conduct the special event or related activities, including but not limited to the following:
 - (1) Structural / building permit;
 - (2) Fireworks permit;
 - (3) Electrical permit;
 - (4) Tent permit;
 - (5) Special Event Liquor License;
 - (6) County and state health permits.

ARTICLE III. SPECIAL EVENT PERMITS.

Sec. 22-5. – Standard Special Event Permit Required.

A standard special event permit is required when a special event:

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- (1) Is held on City property or impedes, obstructs, impairs, interferes or disrupts normal or usual use of City property, facilities or right-of-way; or
- (2) Requires the use of any City services that would not be necessary in the absence of such a special event.

Sec. 22-6. – Simple Special Event Permit Required.

If a standard special event permit is not required under Section 22-5, a simple special event permit is required.

Sec. 22-7. – Special Event Limits.

- (a) A special event shall not occur more than 10 consecutive or 24 total days during the calendar year and, of the 24 calendar days per year, no more than 10 total days in any calendar quarter, unless otherwise provided by this Chapter;
- (b) An art-related special event shall not be approved by the special event administrator in the area of Downtown Scottsdale, as defined in the Downtown Character Area Plan, if it conflicts with a scheduled Thursday night Artwalk.

ARTICLE IV. APPLICATION PROCEDURES AND REQUIREMENTS; TIME FRAMES

Sec. 22-8. – Application Procedures and Requirements.

- (a) Simple Permit Application. An applicant shall complete a simple special event permit application in the form prescribed by the City and provide the following information, as applicable:
 - (1) Type and description of the special event;
 - (2) Name, address, email address, and telephone number of the applicant and contact person, if different from applicant;
 - (3) Proposed date of the special event, together with beginning and ending times;
 - (4) Proposed location, including site plan;
 - (5) Tents, generators, pyrotechnic and other fire hazard information;
 - (6) Estimated numbers of special event staff, participants, and spectators;
 - (7) Parking information;
 - (8) Vendor and concessions information;
 - (9) Noise information, including whether a band, DJ or PA system is involved;
 - (10) Sanitation information;
 - (11) Whether liquor will be present;

- (12) Whether the special event is open to the public and whether fees, if any, will be charged to participants or spectators.
 - (13) Signature of the applicant. If the application is for an activity on private property, the property owner or an agent of the property owner with the property owner's authorization shall sign the application.
- (b) An applicant shall complete a standard special event permit application in the form prescribed by the City and provide the information required for a simple special event permit application under subsection (a) and the following, as applicable:
- (1) Traffic and street closure information, including route map, if applicable;
 - (2) Services requested from the City, including police, fire, and emergency medical services;
- (c) Post-application Requirements. If the special events administrator determines that an applicant otherwise meets the criteria for a special event permit, the applicant shall submit the following, as applicable, in the form prescribed by the City before a permit decision is made:
- (1) Barricade Plan;
 - (2) Insurance as prescribed in Section 22-11;
 - (3) Notification Plan. For applications involving street closures, the applicant shall use a form prescribed by the City to solicit comments or concerns regarding street closure from neighbors and businesses, as specified by the City, whose vehicular access to their property is affected by the street closure and submit to the City any such comments or concerns;
 - (4) Security Plan.
- (d) An applicant requesting to hold one of the following is not required to obtain a special event permit or pay a fee but shall apply for administrative approval from the Special Event Administrator by submitting the information required in subsection (a):
- (1) Grand openings;
 - (2) Seasonal sales, which shall be limited to a maximum of 31 consecutive days unless a shorter time period is set by law;
 - (3) Special vehicle sales. Special vehicle sales are limited to two special vehicle sales within a three month period, lasting no more than 30 consecutive or 48 total days per year;
 - (4) Sidewalk sales, subject to the following limitations:
 - a. Sidewalk sales may only be conducted in front of or adjacent to the retail establishment; and

- b. A retail establishment shall not hold more than two sidewalk sales lasting no more than ten consecutive days per sale in a calendar year.
- (e) Timing of Application. Applicants shall submit completed applications to the City at least 60 calendar days before the special event for standard permits, 30 days before the special event for simple permits and 15 days before the special event for administrative approvals. Applications that are not timely submitted may be denied unless the applicant demonstrates to the special events administrator that compliance within the deadline was impractical or impossible, or the special events administrator determines that the delayed application will not impair the City's ability to accomplish the purposes of this Chapter.
- (f) Multiple Jurisdictions: If a special event involves multiple governmental jurisdictions, the applicant is required to obtain all applicable written authorizations from other governmental jurisdictions related to the special event.

Sec. 22-9. – Application Processing; Time Frames.

- (a) Considerations. The special events administrator shall make decisions on completed applications, including whether to impose permit conditions, based on whether the applicant has demonstrated that the applicable requirements in Section 22-4 are satisfied.
- (b) Application Review Time Frames. The time frames by which the City will review and make a decision on standard special event permit applications, simple special event permit applications and administrative approval applications shall be posted on the City's website.
- (c) Application Withdrawal. An applicant may withdraw the application prior to the issuance of an approval or denial. The City may consider an application withdrawn if the applicant fails to provide requested information or explanation of why the information cannot be provided within fifteen calendar days of the request.
- (d) Special Event Cancellation. An applicant shall notify the special events administrator immediately once the applicant knows that a permitted special event will not occur.
- (e) Misrepresentations. If the applicant makes a material misrepresentation on an application, such as a significant understatement of the anticipated number of participants, the applicant shall pay to the City any and all costs incurred by the City as a result of the misrepresentation.

Sec. 22-10. – Fees, Charges and Expenses.

- (a) Fee. A permit application shall be accompanied by a nonrefundable fee set forth in the fee schedule approved by the City Council. Prior to permit issuance, the applicant shall also pay all applicable fees for permit issuance set forth in the fee schedule approved by City Council, including facility and right-of-way use fees.
- (b) City Support Services. City support services shall be provided for special events as determined by the City to protect the health and safety of the public, and the costs of such services shall be paid by the applicant.

- (c) Police, Fire, Emergency Medical Services, Traffic and Crowd Control. The applicant shall provide police, fire protection, emergency medical services, and traffic and crowd control to the extent determined necessary by the police chief, the fire chief, or their designees, at applicant's own expense.

Sec. 22-11. – Insurance.

An applicant for a special event permit for use of city property shall submit to the special events administrator a certificate of insurance showing the City as an additional insured on insurance coverage issued by an insurance company authorized to do business in the State of Arizona with a rating specified by the Risk Management Director and showing coverage for the special event in the amount and form required by the Risk Management Director.

Sec. 22-12. – Indemnification.

By issuing a special event permit, the City makes no guarantees and assumes no liability for the safety of participants in or spectators of a special event. The Risk Management Director may require as part of an application that the applicant agree to indemnify, defend and hold the City harmless for any and all costs, damages or other liabilities related to the special event.

Sec. 22-13. – Decision on Special Event Application; Special Conditions.

- (a) The special events administrator shall notify the applicant in writing of the decision on the application.
- (b) The special events administrator may approve an application subject to special permit conditions the special events administrator determines are necessary to ensure the special event meets the requirements of this Chapter.
- (c) Reasons for Denial Specified. If a special event application is denied or special condition imposed, the special events administrator shall notify the applicant in writing of the action, including:
 - (1) An explanation of the applicant's right to appeal the action;
 - (2) The grounds for denial or special condition, including any citations to applicable Code provisions;
 - (3) If a denial, an explanation of the right to resubmit the application, the total amount of fees that would be assessed if the application is resubmitted and how these fees are calculated.

Sec. 22-14. – Permit Revocation.

- (a) A permit may be revoked by the special events administrator or other City Manager designee for any of the following reasons:
 - (1) Failure to conduct the special event as presented on the application;
 - (2) Failure to comply with terms and conditions of the permit;
 - (3) The special event poses a threat to public health or safety;

- (4) Declaration of a state of emergency.
- (b) If a special event permit is revoked, the special events administrator shall notify the applicant in writing of the action, including:
 - (1) Grounds for revocation, including any citations to applicable Code provisions; and
 - (2) Explanation of the right to appeal the action.

Sec. 22-15. – Appeal of Denial, Special Condition or Revocation.

- (a) Appeal. An applicant may appeal a denial, revocation, or special condition to the City Manager as follows:
 - (1) The appeal shall be filed within 10 calendar days from the date of the permit decision;
 - (2) The appeal shall include the specific reasons for the appeal and any supporting documents.
- (b) The City Manager shall make a decision on the appeal within 10 calendar days of receiving the appeal.
- (c) After considering the appeal, the City Manager may uphold, reverse or modify a permitting decision.

ARTICLE V. ENFORCEMENT.

Sec. 22-16. – Termination of Special Event.

The Chief of Police or designee may terminate a special event and disperse participants and spectators when authorized by law for any reason for which a special event permit or approval may be revoked under Section 22-14 or if the special event is conducted in violation of any federal or state law or City ordinance.

Sec. 22-17. Unauthorized Acts.

- (a) It shall be unlawful for any person to:
 - (1) Hold a special event that requires a permit or administrative approval under this Chapter without obtaining the permit or administrative approval.
 - (2) Fail to conduct the special event as presented on the application.
 - (3) Hold a special event that violates the terms and conditions of the special event permit.
 - (4) Hold a special event that violates other laws, including, but not limited to, laws relating to traffic regulations, disturbing the peace, public nuisance, unlawful assembly, and trespass.

Sec. 22-18. – Authority to Enforce Violations of this Article; Means of Enforcement.

- (a) The City Manager or designee, a Scottsdale police officer, a code inspector, the Scottsdale Fire Chief or designee and the City Attorney may bring civil complaints under this Chapter.
- (b) Any person authorized pursuant to this section to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil or criminal complaint.
- (c) A Scottsdale police officer or the City Attorney may issue criminal complaints to enforce this article.

Sec. 22-19. – Jurisdiction and Procedure of City Court.

- (a) The City court has jurisdiction over all civil complaints and criminal citations to enforce this Chapter.
- (b) The City court shall follow the Arizona Rules of Court for Civil Traffic Violation Cases for civil complaints to enforce this Chapter, except where inconsistent with this Chapter, local rules of the City court or rules of the Arizona Supreme Court.
- (c) The City court shall follow the Arizona Rules of Criminal Procedure for criminal actions to enforce this Chapter.

Sec. 22-20. Classification of Violations; Penalties.

- (a) A first violation of section 22-17(a)(1) shall be a civil offense with a minimum fine of five hundred dollars (\$500.00). A second or subsequent violation within one (1) year of a first violation is a class one misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than one thousand dollars (\$1,000.00) per violation.
- (b) All other violations of this chapter shall be civil offenses with a minimum fine of five hundred dollars (\$500.00) per violation except that a third or subsequent violation within one (1) year of a first violation is a class one misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than one thousand dollars (\$1,000.00) per violation.
- (c) The court shall not suspend any part of any fine required by this section.

Sec. 22-21. – Restitution.

In addition to the penalties under this Article, the court shall impose restitution as part of its sentence to compensate the City for its costs to enforce this Chapter and bring a special event into compliance with this Chapter.

ARTICLE VI. IMPLEMENTATION.

Sec. 22-22. Administration and Implementation.

- (a) The City Manager shall be responsible for administering and implementing this Chapter.

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- (b) The City Manager may develop reasonable guidelines to implement this article.
- (c) Any additional guidelines developed by the City Manager shall be subject to review by the City Attorney, filed with the City Clerk and posted on the city's website.
- (d) No new guidelines created by the provisions of this section shall be effective until thirty (30) days after being filed with the City Clerk.

CHAPTER 47 – STREETS, SIDEWALKS AND PUBLIC WORKS GENERALLY

ARTICLE IV. USE OF RIGHT-OF-WAY

DIVISION 1. GENERAL

Sec. 47-41. - Use of the right-of-way.

- (a) Overweight and oversize vehicles and loads operating on city right-of-way are subject to the requirements of the Arizona Revised Statutes and Scottsdale Revised Code.
- (b) Transportation-for-hire on city right-of-way is subject to the requirements of the Arizona Revised Statutes and Scottsdale Revised Code.
- (c) Persons hauling dirt and debris on city right-of-way are subject to the requirements of the DSPM.
- (d) Valet parking operations using city right-of-way are subject to the requirements of the Scottsdale Revised Code.
- (e) Special events are subject to the requirements of the ~~Scottsdale Zoning Ordinance Chapter 22~~.
- (f) Other uses of the right-of-way may be subject to additional requirements and permits.

Sec. 47-50. - Use of the right-of-way—PWR.

- (b) Examples of uses requiring a PWR include, but are not limited to: working in the right-of-way to construct, install, maintain or modify public or private improvements; using the right-of-way to erect barricades to construct, install, maintain or modify public or private improvements; borings and potholing; curb cuts; special event in the right-of-way (in conjunction with a Special Event Permit ~~under the Zoning Ordinance~~); roll-off dumpsters; and testing utilities (including fire hydrants). Examples of uses requiring an Annual PWR include, but are not limited to: utility maintenance and repair and commercial landscape maintenance.
- (d) A PWR may be included in another city form, such as a special event permit or Annual PWR. All PWR forms are subject to city attorney approval. Unless the other city form conflicts with this subsection, the provisions below are deemed part of the PWR. In the case of conflict, the provisions providing increased benefits to the city shall control.

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- (1) *Revocation.* The city may revoke the PWR with cause upon reasonable notice to the holder.
- (2) *Warranties.* The holder warrants that all information submitted in applying for the PWR is complete and accurate.
- (3) *City cure rights.* If the holder violates the PWR, the city may take whatever action the city deems reasonably necessary to cure the violation, at the expense of the holder. The city may pursue additional legal remedies.
- (4) *No changes to city form.* No deletions, additions, or other exceptions to the PWR or other related documents are effective against the city unless the changed PWR is signed by the Right-of-Way Supervisor and approved by the city attorney.