



Tourism & Events Department

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Date: March 8, 2016
To: Honorable Mayor and Members of the City Council
From: Karen Churchard, Tourism & Events Director
Subject: March 15, 2016 Event Ordinance Item

On page two of the City Council Report, it states the following:

2. Direction: Add language prohibiting art-related events on Thursday nights in the area bordered by Osborn and Camelback Roads and Goldwater Boulevard and Scottsdale Road.

Response: This statement was added in Sec. 22-7(b): "An art-related event shall not be approved by the event administrator in the area within Osborn and Camelback Roads and Goldwater Boulevard and Scottsdale Road if it conflicts with a scheduled Thursday night ArtWalk." If an art-related event is proposed that would conflict with a Thursday night ArtWalk, the Scottsdale Gallery Association will be consulted to see if there is a conflict with the ArtWalk, if not, the event could be considered. If the SGA states a conflict exists, then the event would not be approved. This provides flexibility in case there are art-related events that would be complementary to ArtWalk.

Upon further review, it is necessary to clarify the following. It was not our intent that the Scottsdale Gallery Association would have "veto power" over an event, but rather that their belief about whether an art-related event was complementary to ArtWalk would be taken into consideration when the city considers approval of an event proposed on Thursday nights. The clarification is highlighted in bold.

2. Direction: Add language prohibiting art-related events on Thursday nights in the area bordered by Osborn and Camelback Roads and Goldwater Boulevard and Scottsdale Road.

Response: This statement was added in Sec. 22-7(b): "An art-related event shall not be approved by the event administrator in the area within Osborn and Camelback Roads and Goldwater Boulevard and Scottsdale Road if it conflicts with a scheduled Thursday night ArtWalk." **If an art-related event is proposed on Thursday night, the Scottsdale Gallery Association board will be consulted to see if they believe there is a conflict with the ArtWalk. If there is no conflict, and the event would otherwise meet all the event criteria outlined in Sec. 22-4, the event administrator may approve the event. This provides flexibility in case there are art-related events proposed for Thursday nights that would be complementary to ArtWalk.**

CITY COUNCIL REPORT



Meeting Date: March 15, 2016
 General Plan Element: *Economic Vitality*
 General Plan Goal: *Sustain Scottsdale as a tourist destination*

ACTION

Events Ordinance.

1. Adopt Ordinance No. 4242 adding Articles 1 through 6 to Chapter 22 of the Scottsdale Revised Code pertaining to events and amending Chapter 47, Article IV, Division 1 of the Scottsdale Revised Code pertaining to use of the right-of-way, and
2. Adopt Resolution No. 10381 declaring the document entitled "Addition of Articles 1 through VI of Chapter 22 of the Scottsdale Revised Code and Amendments to Chapter 47, Article IV, Division 1 of the Scottsdale Revised Code" to be a public record and directing the Planning Commission to hold a public hearing and make a recommendation to the City Council on proposed repeal of the special events provisions from the Zoning Ordinance.

BACKGROUND

The City Council discussed the topic of special events at work study sessions on Aug. 31 and Sept. 21, 2015. A number of considerations were identified for revisions to the special events regulations and staff was directed to proceed with the public outreach process and return with a draft ordinance in early 2016. On Oct. 6, 2015, the City Council also directed staff to initiate a text amendment to the Zoning Ordinance to update the provisions related to special events. On Feb. 16, 2016, the City Council held a work study session to discuss the draft ordinance and provided direction on revisions which resulted in Ordinance No. 4242.

Special Events are currently regulated in the Zoning Ordinance and in various sections of the City Code. The Zoning Ordinance requires an initiation action whenever it is revised, and also requires Planning Commission review and recommendation. As a result, Resolution No. 10381 directs the Planning Commission to hold a public hearing and make a recommendation to the City Council on the proposed repeal of special events provisions from the Zoning Ordinance. The repealed sections will be brought back for City Council action by June 1, 2016.

The new Events Ordinance will be in Chapter 22 of Scottsdale Revised Code, and will have an effective date of July 1, 2016 so that the necessary requirements for implementation can be completed before the ordinance takes effect.

ANALYSIS & ASSESSMENT

Recent Staff Action

Based on City Council direction at the Feb. 16, 2016, work study session, staff made a number of changes in the draft ordinance. These were summarized as follows.

1. Direction: Provide clarification on exemptions for events organized in whole or in part by the City.

Response: This statement was added in Sec. 22-2 (c): “An event for which the City solely provides funding or sponsorship is not an event organized in whole or part, by the City of purposes of this section.”

2. Direction: Add language prohibiting art-related events on Thursday nights in the area bordered by Osborn and Camelback roads and Goldwater Boulevard and Scottsdale Road.

Response: This statement was added in Sec. 22-7(b): “An art-related event shall not be approved by the event administrator in the area within Osborn and Camelback Roads and Goldwater Boulevard and Scottsdale Road if it conflicts with a scheduled Thursday night ArtWalk.” If an art-related event is proposed that would conflict with a Thursday night ArtWalk, the Scottsdale Gallery Association will be consulted to see if there is a conflict with the ArtWalk, if not, the event could be considered. If the SGA states a conflict exists, then the event would not be approved. This provides flexibility in case there are art-related events that would be complementary to ArtWalk.

3. Direction: Under “Impact Criteria” remove the sentence “The event does not unduly conflict with or negatively impact another event.”

Response: This sentence was removed from Sec. 22.4 – Event Criteria.

4. Direction: Remove the reference to competing events on the “Criteria for Events on City property” slide.

Response: This was removed and replaced with new language in Sec. 22-7(d): “For an event on City property, in addition to the criteria in subsections (a) through (c) of this section, the events administrator shall consider whether the event:...”

5. Direction: Remove the reference prohibiting events that have a primary purpose of retail or food/beverage sales from Waterfront usage.

Response: This referred to the Canal Banks Ordinance that will come to City Council at a later date. This is not included in the Events Ordinance.

6. Direction: Add language to address duration and frequency of events, exemptions, and provisions and seasonal fee structures that encourage events throughout the year.

Response: Sec. 22-7(a) was reworded to state: “An event shall not occur more than 10 consecutive or 24 total days during the period of January 1 through March 31, and no more than 30 consecutive days or 48 total days during the calendar year unless otherwise provided by this Chapter.”

In addition, councilmembers offered the following suggestions:

7. Suggestion: Under “Impact Criteria,” eliminate the economic impact criteria language.

Response: This was not eliminated, however Sec. 22-4(9) contains an additional clause that states “, so that the net aggregate impact of the event on area businesses and residences is not negative.” This is an attempt to clarify the more general language previously provided.

8. Suggestion: Provide event application and results to major associations, including merchant, business and homeowner associations, for distribution to their respective memberships.

Response: This will be covered in the event guide, the draft table of contents is attached in Attachment 3. The event guide will be made available on the city’s website by June 1, 2016, with an effective date of July 1, 2016.

9. Suggestion: Make event criteria objective and measurable and clarify interpretation processes.

Response: All of the proposed event criteria were reviewed and rewritten when necessary to improve their objectivity and measurability. This, as well as the interpretation processes, will be clarified in the event user guide which will be made available for review by June 1, 2016.

10. Suggestion: Keep the process simple and uncomplicated.

Response: The entire ordinance was reviewed with this in mind. To keep the process simple, Sec. 22-5 was revised so that all events will use the simple event application and permit process, except those that are held on City property, impact City property, or require the use of City services that would not be necessary if the event were not held.

11. Request: Information on the Museum of the West contract related to production of events.

Response: This information was sent to the City Council via email, Feb. 22, 2016, and is attached in Attachment 4.

12. Request: Comparative event fees from other municipalities, and full packet of information related to determination of rates and fees, including event venue fees, review and permit fees, downtown street fees.

Response: This information is being assembled and will be provided directly to the City Council, and posted on the City’s website prior to review and approval of rates and fees in May as part of the budget process.

There were also additional changes made based on staff review of the ordinance.

- Sec. 22-2(a). Exemptions – it was clarified that this refers to “publicly-owned” land. This includes federal, state, and county land, as well as land owned by other cities or school districts.
- Sec. 22-2(e). Exemptions – This was moved from Sec. 22-7 Event Limits to clarify that the Events Ordinance does not limit the City’s ability to enter into license agreements for the use of city property. It seemed more appropriate in the Exemptions section. The ability to enter into temporary license agreements is covered by Scottsdale Revised Code Sec. 2-221(c).
- Sec. 22-3. Definitions – A definition was added for the City Manager stating that it refers to the City Manager or the City Manager’s designee.
- Sec. 22-3. Definitions – The event definition includes a clarification that the event is “open to the public by advertisement or invitation, with or without charge.” As a result, events held on private property not open to the public, such as employee events, would not be considered events.

- Sec. 22-4 – Event Criteria – Emergency medical services was included in Sec. 22-4(5) along with temporary structures which was moved from Sec. 22-5.
- Sec. 22-8(a) and (b) – Application Procedures and Requirements. The listing of required information was revised to reflect in the simple permit list only those things which could be required for a simple or standard permit and the standard permit requirements those things which would only be required for standard permits.
- Sec. 22-8(d) – Administrative Approvals. This was revised to clarify the number of days for special vehicle sales and sidewalk sales consistent with the current application of Zoning Ordinance requirements.

Community Involvement

Staff held 11 public meetings from October to January 2015. More than 250 people attended meetings, answered surveys or provided online input. This was included in a Public Outreach Plan and Report as an attachment in the Feb. 16, 2016 Work Study Session item. All information was also made available on the city's website and is available at ScottsdaleAZ.gov by searching "special events ordinance update."

The draft ordinance was shaped by direction from the City Council, input from public meetings, residents, the business community, including merchants and event producers, best practices from other cities and through reviewing other Scottsdale ordinances and plans. A staff team consisting of the assistant city manager, tourism and events director, events manager, planning project coordination liaison and senior assistant city attorney wrote the ordinance so that it would be broad enough to cover many unique situations that a wide variety of events present, and address issues raised as part of the public outreach process.

RESOURCE IMPACTS

Available funding

It is anticipated that necessary funding for the Events Ordinance will be similar to existing funding and no additional funding is needed.

Staffing, Workload Impact

It is anticipated that the staffing and workload will be covered by the one full-time and one part-time employee assigned to administer events in the Tourism & Events Department.

STAFF RECOMMENDATION

Recommended Approach

Adopt Ordinance No. 4242 adding Articles 1 through 6 to Chapter 22 of the Scottsdale Revised Code pertaining to events and amending Chapter 47, Article IV, Division 1 of the Scottsdale Revised Code pertaining to use of the right-of-way, and Adopt Resolution No. 10381 declaring the document entitled "Addition of Articles 1 through VI of Chapter 22 of the Scottsdale Revised Code and Amendments to Chapter 47, Article IV, Division 1 of the Scottsdale Revised Code" to be a public record and directing the Planning Commission to hold a public hearing and make a recommendation to the City Council on proposed repeal of the special events provisions from the Zoning Ordinance.

Proposed Next Steps

Staff will create an event user guide and post on the City's website by June 1, 2016, and update the events website, create online simple and standard event applications, create online fee payment ability, and update internal processes for reviewing and approving applications by July 1, 2016.

In addition, there are a number of other issues raised during this process that are not covered by this ordinance. These will be reviewed, undergo public outreach, and brought back for City Council action at a future date. These include:

- A Canal Banks Ordinance governing use of city property at the Scottsdale Waterfront;
- Zoning Ordinance text amendment permitting outdoor retail in certain circumstances;
- Ordinance changes allowing certain activities to activate within Downtown Scottsdale, including street entertainers and other similar activities;
- Revised process for handling requests from restaurants and bars requesting an expansion of service area for the purpose of serving more customers.

RESPONSIBLE DEPARTMENT(S)

Tourism & Events Department

STAFF CONTACTS (S)

Cheryl Sumners, Events Manager, Tourism & Events Department, csumners@scottsdaleaz.gov;
Karen Churchard, Tourism & Events Director, kchurchard@scottsdaleaz.gov.

APPROVED BY



Karen Churchard, Tourism & Events Director
480-312-2890, kchurchard@ScottsdaleAZ.gov

2.29.16

Date



Brent Stockwell, Assistant City Manager
480-312-7288, bstockwell@ScottsdaleAZ.gov

3/1/16

Date



Brian K. Biesemeyer, Acting City Manager
480-312-2811, bbiesemeyer@ScottsdaleAZ.gov

3/1/16

Date

ATTACHMENTS

1. Ordinance No. 4242
2. Resolution No. 10381
3. Draft Table of Contents for Event User Guidelines
4. Events at Scottsdale's Museum of the West

ATTACHMENT 1



Bruce Washburn
City Attorney's Office

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MEMORANDUM

TO: Carolyn Jagger, City Clerk
FROM: Bruce Washburn, City Attorney
DATE: March 14, 2016
RE: Item 12 for March 15 Meeting , Special Events Ordinance

Ordinance 4242 was revised so that the text of the ordinance specifically lists the penalties for violation. This is done to comply with A.R.S. 9-803, which provides that "A penalty clause contained in a code or public record adopted by reference shall be set forth in full in the adopting ordinance." Prior to this revision, the penalty provisions were in the public record adopted by reference, but were not specifically listed in the text of the ordinance.

ORDINANCE NO. 4242

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADDING ARTICLES I THROUGH VI TO CHAPTER 22 OF THE SCOTTSDALE REVISED CODE AND AMENDING CHAPTER 47, ARTICLE IV, DIVISION 1 OF THE SCOTTSDALE REVISED CODE.

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. That three copies of the document entitled "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", which are on file in the office of the City Clerk and which were made a public record by Resolution No. 10381 of the City of Scottsdale, Arizona, are by this reference made a part of this ordinance and adopted as if fully set out in this ordinance.

Section 2. The provisions of Chapter 22, Articles I through VI and the amendments to Chapter 47, Article IV, Division 1 of the Scottsdale Revised Code shall become effective on July 1, 2016.

Section 3. The penalties for a violation of Chapter 22, Articles I through VI are:

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 an event into compliance with this Chapter.

Ordinance No. 4242

Section 4. Chapter 22, Articles I through VI and the Amendments to Chapter 47, Article IV, Division 1 of the Scottsdale Revised Code do not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of this amendment.

PASSED AND ADOPTED by the Council of the City of Scottsdale this ____ day of _____, 2016.

CITY OF SCOTTSDALE, an Arizona
municipal corporation

ATTEST:

Carolyn Jagger, City Clerk

W.J. "Jim" Lane, Mayor

APPROVED AS TO FORM:



Bruce Washburn, City Attorney
By: William Hylén
Senior Assistant City Attorney

ATTACHMENT 2

RESOLUTION NO. 10381

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THE DOCUMENT FILED WITH THE CITY CLERK OF THE CITY OF SCOTTSDALE ENTITLED "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" AND DIRECTING THE PLANNING COMMISSION TO HOLD A HEARING AND MAKE A RECOMMENDATION TO CITY COUNCIL ON A PROPOSED AMENDMENT OF THE SPECIAL EVENTS PROVISIONS IN THE ZONING ORDINANCE OF THE SCOTTSDALE REVISED CODE.

WHEREAS, the City desires to make changes to the City's special events ordinance;

WHEREAS, State law permits cities to declare documents to be public records and adopt ordinances by reference;

WHEREAS; the City Council is adding provisions to address special events in Chapter 22 of the Scottsdale Revised Code and has initiated a text amendment to the portion of the Zoning Ordinance related to special events; and

WHEREAS, the Planning Commission must hold a public hearing and make formal recommendations to the City Council on amendments to the Zoning Ordinance.

BE IT RESOLVED by the Council of the City of Scottsdale as follows:

Section 1. That the document titled "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", attached hereto as Exhibit A and three copies of which are on file in the office of the City Clerk is, by this Resolution, declared to be a public record, and these copies are ordered to remain on file with the City Clerk and kept available for public use and inspection.

Section 2. The Planning Commission shall hold the required public hearing and make a formal recommendation to the City Council on whether it is in favor of the proposed amendments to the special events provisions in the Zoning Ordinance as set forth in Exhibit B attached hereto.

PASSED AND ADOPTED by the Council of the City of Scottsdale this ____ day of _____, 2016.

CITY OF SCOTTSDALE, an Arizona
municipal corporation

ATTEST:

Carolyn Jagger, City Clerk

W.J. "Jim" Lane, Mayor

APPROVED AS TO FORM:



Bruce Washburn, City Attorney
By: William Hylan
Senior Assistant City Attorney

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 – EVENTS

ARTICLE I. PURPOSE, SCOPE, DEFINITIONS.

Sec. 22-1. – Purpose.

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) 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) Events occurring entirely at Scottsdale Airport and WestWorld are exempt from this Chapter.
- (c) Articles III through VI do not apply to events organized, in whole or part, by the City of Scottsdale. An event for which the City solely provides funding or sponsorship is not an event organized, in whole or part, by the City for purposes of this section.
- (d) 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 an 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.

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 "event" as defined herein.

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. EVENT CRITERIA.

Sec. 22-4. – Event Criteria.

(a) Event organizers shall ensure that an event is conducted as follows:

- (1) The event provides a unique organized, civic, cultural, educational, entertainment or recreational activity or experience.
- (2) The size, attendance and nature of the event are suitable for the proposed location and duration.
- (3) Traffic associated with the event can be managed to accommodate expected event attendance.
- (4) Parking is provided to accommodate event staff, participants and spectators.
- (5) To protect the safety of 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 event attendance.
- (7) Trash is managed and removed in a timely manner after the event and the site is left in the same or better condition than before the 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 event on area businesses and residences is not negative.
- (10) The 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 event, including, if applicable, a past record of successful event performance.
- (c) The event shall comply with applicable laws, ordinances and City policies, regulations and procedures.
- (d) Additional criteria for events on City property. For an event on City property, in addition to the criteria in subsections (a) through (c) of this section, the events administrator shall consider whether the event:

- (1) Partners with Scottsdale businesses to encourage retail and/or restaurant sales;
- (2) Attracts regional, national or international attendance;
- (3) Promotes Scottsdale in 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 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. EVENT PERMITS.

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

A standard event permit is required when an event:

- (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 an event.

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

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

Sec. 22-7. – Event Limits.

- (a) An event shall not occur more than 10 consecutive or 24 total days during the period of January 1 through March 31, and no more than 30 consecutive days or 48 total days during the calendar year unless otherwise provided in this Chapter.
- (b) An art-related event shall not be approved by the event administrator in the area within Osborn and Camelback Roads and Goldwater Boulevard and Scottsdale Road 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 event permit application in the form prescribed by the City and provide the following information, as applicable:

- (1) Type and description of the event;
- (2) Name, address, email address, and telephone number of the applicant and contact person, if different from applicant;
- (3) Proposed date of the 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 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 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 event permit application in the form prescribed by the City and provide the information required for a simple 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 events administrator determines that an applicant otherwise meets the criteria for an 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 an event permit or pay a fee but shall apply for administrative approval from the 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 event for standard permits, 30 days before the event for simple

permits and 15 days before the event for administrative approvals. Applications that are not timely submitted may be denied unless the applicant demonstrates to the events administrator that compliance within the deadline was impractical or impossible, or the 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 an event involves multiple governmental jurisdictions, the applicant is required to obtain all applicable written authorizations from other governmental jurisdictions related to the event.

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

- (a) **Considerations:** The 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 event permit applications, simple 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) **Event Cancellation:** An applicant shall notify the events administrator immediately once the applicant knows that a permitted 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 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 an event permit for use of city property shall submit to the 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 event in the amount and form required by the Risk Management Director.

Sec. 22-12. – Indemnification.

By issuing an event permit, the City makes no guarantees and assumes no liability for the safety of participants in or spectators of an 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 event.

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

- (a) The events administrator shall notify the applicant in writing of the decision on the application.
- (b) The events administrator may approve an application subject to special permit conditions the events administrator determines are necessary to ensure the event meets the requirements of this Chapter.
- (c) Reasons for Denial Specified: If an event application is denied or special condition imposed, the 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 events administrator or other City Manager designee for any of the following reasons:

- (1) Failure to conduct the event as presented on the application;
- (2) Failure to comply with terms and conditions of the permit;
- (3) The event poses a threat to public health or safety;
- (4) Declaration of a state of emergency.

- (b) If an event permit is revoked, the 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 Event.

The Chief of Police or designee may terminate an event and disperse participants and spectators when authorized by law for any reason for which an event permit or approval may be revoked under Section 22-14 or if the 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 an event that requires a permit or administrative approval under this Chapter without obtaining the permit or administrative approval.

(2) Fail to conduct the event as presented on the application.

(3) Hold an event that violates the terms and conditions of the event permit.

(4) Hold an 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 an 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.

(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.
 - (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.

APPENDIX B – BASIC ZONING ORDINANCE

ARTICLE III. DEFINITIONS.

Sec. 3.100. General.

Amusement park shall mean a commercial amusement activity such as a carnival, circus, miniature golf course or similar establishment which does not require an enclosed building.

~~*Carnivals (major)* shall mean a promotional event intended to attract people to a site where there may or may not be an admission charge, and which may include such activities as rides, entertainment, game booths, food stands, exhibitions, and animal displays.~~

~~*Carnivals (minor)* shall mean a promotional event intended to attract people to a site where there is no admission charge, and which may include up to seven (7) small rides, each a maximum of fifteen (15) feet in height, and such activities as entertainment, game booths, food stands, exhibitions, and animal displays.~~

~~*Festival* shall mean the sale of ethnic specialty, regional and gourmet foods, art and crafts, live musical entertainment, in an outdoor setting.~~

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

~~*Haunted house* shall mean temporary structures which house booths, displays, live performances relating to Halloween themes.~~

~~*Home exhibition* shall mean a one time display of homes including furnishing and accessories in an unoccupied subdivision. The exhibition may include live entertainment, food sales, street closures, and other activities.~~

~~*Pumpkin and Christmas tree sales* shall mean outdoor sale of seasonal material such as pumpkins and Christmas trees.~~

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

~~*Special event* shall mean a temporary outdoor use on private property which extends beyond the normal uses and standards allowed by the Zoning Ordinance. Except as otherwise specifically provided herein, only those events held on commercial-zoned property, are subject to the provisions of this Zoning Ordinance. "Special event" includes, but is not limited to, art shows, sidewalk sales, pumpkin and Christmas tree sales, haunted houses, carnivals (major and minor), special vehicle sales, grand openings, festivals, home exhibitions, and church bazaars.~~

~~Special vehicle sales is a short term or seasonal sale of vehicles.~~

ARTICLE VII GENERAL PROVISIONS.

Sec. 7.200. - Additional Area Regulations.

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H. Wireless communications facilities (WCF). The purpose of the WCF regulations is to encourage and promote wireless communications coverage for all areas of the city while minimizing the visual, environmental, and neighborhood impacts. The preferred WCF locations include locations having the least amount of visual and neighborhood impact. More preferred locations include commercial and industrial areas, and less preferred locations include residential and school areas. The wireless communications service providers shall adhere to all applicable federal regulations, such as the Federal Communications Commission (FCC) and the National Environmental Protection Act (NEPA). Locations may require an environmental assessment.

7. Temporary WCF. All temporary WCF shall be limited to being in conjunction with a special event ~~and be subject to Section 7.900 (special events)~~, or be in response to an emergency or disaster as determined by the Zoning

Sec. 7.900. ~~Special Events. Reserved.~~

Sec. 7.910. ~~Purpose.~~

~~The purpose of these Special Events provisions is to promote special events while protecting nearby neighborhoods and the public health, safety and welfare, and to provide for safe traffic control, public sanitation facilities, and emergency care.~~

Sec. 7.920. ~~General requirements.~~

Sec. 7.921. ~~Pumpkin and Christmas tree sales.~~

~~Pumpkin and Christmas tree sales may be conducted on vacant lots or within developed retail properties.~~

Sec. 7.922. ~~Sidewalk sales.~~

~~Sidewalk sales shall be conducted in front of or adjacent to the retail establishment, and shall be limited to two (2) events per calendar year.~~

Sec. 7.923. ~~Special events.~~

~~Special events shall be limited to a maximum of thirty (30) consecutive days per event, and may not occur more than forty-eight (48) cumulative days per calendar year per property.~~

Sec. 7.924. ~~Special vehicle sales.~~

~~Special vehicle sales shall be limited to two (2) events per quarter.~~

Sec. 7.925. ~~Procedures.~~

~~The following procedure is to ensure to the extent possible that special events are conducted in a location and a manner that is consistent with the public health, safety and welfare.~~

~~A. Any person wishing to conduct a special event is required to make application to the City not less than thirty (30) days before the event is to commence.~~

~~B. The Zoning Administrator shall determine whether the event requires a special event permit as provided in this Zoning Ordinance. Permits will be issued by the Zoning Administrator pursuant to the procedures provided herein.~~

~~1. A pre-application meeting will be scheduled within five (5) working days, with appropriate departments to determine what measures, if any, are necessary to protect the public health, safety, and welfare during the special event, and to meet the requirements of this Zoning Ordinance. The departments will together constitute the special events committee ("committee").~~

~~2. At the pre-application meeting, the requirements necessary to meet the intent of this Zoning Ordinance will be explained, which may include but not be limited to the employment of security or traffic control personnel; proof of adequate insurance; securing appropriate business licenses; and providing a sanitation cleanup plan.~~

~~3. The applicant may appeal as provided in Section 7.928, any condition or requirement which is not reasonably related to meeting the intent of this Zoning Ordinance.~~

~~C. The committee must approve or deny every application within ten (10) working days of receipt of the application. This time limit will be extended by the number of days necessary to process an appeal of any requirement imposed by the committee.~~

~~If the application is denied, the denial must be in writing and must state with specificity the reasons for denial. Failure to comply with a condition reasonably related to meeting the intent of this Zoning Ordinance, is grounds for denial.~~

~~**Sec. 7.926. Permits required; zoning districts.**~~

~~The following types of special events require a special events permit, unless otherwise indicated, and shall be allowed in the zoning districts specified below:~~

Table 7.926.A. Type of Event and Zoning District	
Type of Event	Zoning District
Art shows	All Commercial "C" and Downtown "D" districts
Carnivals:	
--**Major	All districts with use permit
-Minor	All districts
*Church bazaars	All districts

Festivals	Open Space O-S, Downtown D and DO, Resort/Townhouse Residential R-4R/Central Business C-2/Multiple-family Residential R-5 on sites with hotels, Planned Regional Center PRG and Regional Shopping Center C-S
*Grand-opening	All districts
Haunted houses	Open Space O-S, Central Business C-2, Highway Commercial C-3, Regional Shopping Center C-S and Downtown D and Planned Regional Center PRG
Home exhibitions	All Single-family residential R-1 districts
*Pumpkin and Christmas tree sales	Highway Commercial C-3, General Commercial C-4, developed retail parcels, Regional Shopping Center C-S, and Planned Regional Center PRG
*Sidewalk sales	All Commercial "C," Downtown "D" districts, Planned Regional Center PRG
Special vehicle sales	General Commercial C-4, Highway Commercial C-3, Central Business C-2, and Multiple-family Residential R-5 on site with hotel, Regional Shopping Center C-S, Planned Community Center PCC, and Planned Regional Center PRG

*Does not require a special events permit.

**Requires a use permit and is subject to the provisions outlined in Article I.

Sec. 7.927. ~~Permit revocation.~~

A permit may be revoked for any of the following reasons:

- (A) ~~Failure to conduct special event as presented on application.~~
- (B) ~~Failure to comply with special conditions in the approval.~~
- (C) ~~If the event poses a threat to public health, safety or welfare.~~

Sec. 7.928. ~~Appeal.~~

~~When a permit is denied or revoked, the Zoning Administrator shall notify the applicant in writing of reasons for denial/revocation. An applicant who has been denied a permit, or permittee whose permit has been revoked or who objects to any special conditions of the permit, may appeal the action to the Zoning Administrator. Notice of appeal must be given in writing within ten (10) days after notification of denial/revocation. The Zoning Administrator shall set an appeal hearing within ten (10) days after receiving appeal. Within five (5) days of the conclusion of the hearing, the Zoning Administrator will rule on the appeal, giving notice in writing to the aggrieved person. Such decision shall be final.~~

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~~Sec. 7.929. - Exemptions.~~

~~Events occurring on public property or operated by the City of Scottsdale, or by the Scottsdale Paradise Valley or Cave Creek school districts, are exempt from the provisions of the Special Events sections of this Zoning Ordinance.~~

~~Sec. 7.930. - Special events signage.~~

~~The provisions of article VIII shall apply.~~

ARTICLE IX. - PARKING AND LOADING REQUIREMENTS

Sec. 9.102. - Applications of and exemptions from parking.

H. Prohibited uses of parking areas.

1. Parking of more than 5 vehicles on any unimproved lot is prohibited, except when used for special events parking pursuant to ~~Section 7.900~~. An improved lot shall mean 1 that fulfills the requirements of Section 9.103.
2. Parking or display of vehicles other than in designated and improved areas shall be prohibited.
3. Required parking spaces shall not be used for product display or advertising.

Sec. 9.103. - Parking requirements.

~~I. Special events parking. Parking for special events shall be provided as per Section 7.900.~~

Table 9.103.A. Schedule of Parking Requirements	
Stables, commercial	Adequate parking for daily activities shall be provided as determined by the Zoning Administrator. Additional parking, improved as determined by the Zoning Administrator, shall be provided for shows or other special events pursuant to Section 7.900, Special Events.

ATTACHMENT 3

SAMPLE OF EVENT USER GUIDELINE CONTENTS

Welcome to the City of Scottsdale! We are glad you are considering hosting an event in Scottsdale. These guidelines provide useful information for applicants who wish to conduct events and assists with planning a successful outcome while answering important questions. It is our goal that your event will enhance our City and be beneficial for your organization and the community.

SECTION 1: REQUIRED EVENT PERMITS

Definition, Locations, Who can apply

SECTION 2: EVENT PERMIT APPLICATION REQUIREMENTS

Standard, Simple, Administrative

SECTION 3: EVENT SUBMITTAL PROCESS & TIMELINES

SECTION 4: EVENT REVIEW REQUIREMENTS & INFORMATION

Alcohol Control, Management & Licenses

Amplification & Sound

Event Production Schedule, Event Hours including Setup & Teardown Details

Fire Services & Emergency Medical Services

Health Permits (Maricopa County)

Insurance & Liability

Neighborhood Notice & Notification

Parking Plan & ADA Requirements

Police Services & Security Plan

Restroom Facilities

Signs, Course Markings & Banners

Site Plans & Course Maps

Street Use, Closures & Restrictions

Tents, Canopies & Temporary Structures

Trash, Recycling & Cleanup Plan

Utilities

Vendor Sales, Tax & Licensing

SECTION 5: FEES - APPLICATION, PERMIT & PUBLIC PROPERTY USE

SECTION 6: CANCELLATIONS & REFUND POLICIES

SECTION 7: CITY EQUIPMENT RENTAL INFORMATION

SECTION 8: CITY CONTACT LIST & INFORMATION

I.E. Police, Fire, Transportation, Tourism & Events, Risk Management, Parks & Recreation

SECTION 9: CITY EVENT VENUE INFORMATION & MAPS

SECTION 10: CITY MAPS

ATTACHMENT 4

Stockwell, Brent

From: Stockwell, Brent
Sent: Monday, February 22, 2016 4:50 PM
To: City Council
Cc: Biesemeyer, Brian K; Washburn, Bruce; Nichols, Jeff; Walker, Sharron; Jagger, Carolyn; Churchard, Karen; Sumners, Cheryl; Hylan, William; 'Michael Fox'
Subject: Events at Scottsdale's Museum of the West

In order to avoid violations of the Open Meeting Law members of Council should not communicate about the contents of this message with other Council members.

Mayor Lane and Members of the City Council,

At the Feb. 16, 2016 work study session, I promised to get some research back to the council before the events ordinance comes forward on how events at Scottsdale's Museum of the West would be handled.

I've reviewed the Museum Management Agreement. They are required to manage the facility (museum, administration building and outdoor plaza) as a museum of Western Heritage (the permitted use). They are not required to conduct any events under the agreement, but they could conduct events related to the permitted use without an event permit. That would include such things as educational, films, or concerts relating to Western Heritage, or exhibition openings or fundraising events for the museum.

As a related use, the museum manager is permitted to rent the facility, both indoors and outdoors, on an hourly basis to third parties. They are limited to five single-day events per month.* In addition, charitable casino night events are limited to no more than six one-day events per year. The city can also host as a sponsor, or co-sponsor, reserved events at the facility up to six times per year. Under the proposed ordinance, since there is a museum management agreement between the museum and the city which covers events, Scottsdale's Museum of the West would have to ensure the event complies with the impact criteria for outdoor events, but would not be required to obtain an event permit for these events, as these would be considered events organized, in whole or part, by the City of Scottsdale.

City event staff are always willing to assist them with any event held at the museum. This has been communicated to museum management.

Please let me know if you have questions, or need additional information.

Sincerely,
M. Brent Stockwell | Assistant City Manager
Scottsdale City Hall, 3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
BStockwell@ScottsdaleAZ.gov | 480-312-7288

*Note - there is interest by museum management in raising this limit, and this is being considered by staff for inclusion in a future amendment to the agreement.

EVENT ORDINANCE

City Council Meeting

March 15, 2016

Key Issues

- **Events organized or presented by the City**
- **Event Criteria**
- **Criteria for events on City property**
- **Event frequency and duration**
- **Conflicts with ArtWalk**
- **Revised process**
- **Timeline**

Clarification

Articles III through VI do not apply to events organized, in whole or part, by the City of Scottsdale. An event for which the City solely provides funding or sponsorship is not an event organized, in whole or part, by the City for purposes of this section.

Sec. 22-2 (c)

Event Criteria

Does the event provide a unique, organized, activity or experience?	<u>Yes</u> / No
Is the size, attendance, and nature of the event suitable for the location?	<u>Yes</u> / No
Can event traffic be managed to accommodate expected attendance?	<u>Yes</u> / No
Is parking provided to accommodate expected attendance?	<u>Yes</u> / No
Are adequate security and emergency medical services provided?	<u>Yes</u> / No
Are all temporary structures safe?	<u>Yes</u> / No
Are restroom facilities provided to accommodate expected attendance?	<u>Yes</u> / No
Is there a trash management and removal plan?	<u>Yes</u> / No
Is there a plan to pick-up the site after the event?	<u>Yes</u> / No
Is noise managed to minimize the impact on neighboring properties?	<u>Yes</u> / No
Is the aggregate impact of the event on others net neutral or net positive?	<u>Yes</u> / No
Can the event be accommodated with required City services?	<u>Yes</u> / No

If yes to all, then the event can be approved.

(there are also additional criteria to evaluate events on city property)

Criteria for events proposed for City property

For an event on City property, in addition to the criteria in subsections (a) through (c) of this section, the events administrator shall consider whether the event:

- 1) Partners with Scottsdale businesses to encourage retail and/or restaurant sales;
- 2) Attracts regional, national or international attendance;
- 3) Promotes Scottsdale in event-related marketing;
- 4) Features or includes entertainment or attractions of regional, national or international quality or interest;
- 5) Provides civic or cultural benefits.

Event limits to address seasonality

- **Current — Maximum of 30 consecutive days per event, no more than 48 cumulative days per calendar year per property.**
- **Work Study — No more than 10 consecutive days or 24 total days in a calendar year**
- **Proposed — No more than 10 consecutive or 24 total days during the period of January 1 through March 31, and no more than 30 consecutive days or 48 total days during the calendar year**

Sec. 22-7 (a)

Event limits to address conflicts with ArtWalk

An art-related event shall not be approved by the event administrator in the area within Osborn and Camelback Roads and Goldwater Boulevard and Scottsdale Road if it conflicts with a scheduled Thursday night ArtWalk.

Sec. 22-7 (b)

Revised Process

	ADMINISTRATIVE APPROVAL	SIMPLE APPLICATION	STANDARD APPLICATION
Qualifications	Grand Opening, Seasonal (Firework, Pumpkin, or Tree), Sidewalk, or Special Auto Sales	Held on Private Property and no impacts to City property or services	Held on City property, or impacts City property, or requires the use of City services
Timeline	15 day application Same-/next-day approval	30 day application, 15 day approval	60 day application, 30 day approval

Proposed Timeline

March-June **Create online application & fee payment ability, an event user guide and update website as well as processes**

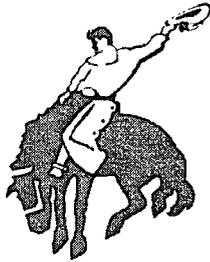
May **Council decision on fees**

July **Ordinance goes into effect**

December **Staff will provide an update to the Council**

Motion to:

Adopt Ordinance No. 4242 and Resolution No. 10381



EVENT ORDINANCE

City Council Meeting

March 15, 2016

Item 12

EVENT ORDINANCE

City Council Meeting

March 15, 2016

Key Issues

- Events organized or presented by the City
- Event Criteria
- Criteria for events on City property
- Event frequency and duration
- Conflicts with ArtWalk
- Revised process
- Timeline

Clarification

Articles III through VI do not apply to events organized, in whole or part, by the City of Scottsdale. An event for which the City solely provides funding or sponsorship is not an event organized, in whole or part, by the City for purposes of this section.

Sec. 22-2 (c)

Event Criteria

Does the event provide a unique, organized, activity or experience?	<u>Yes</u> / No
Is the size, attendance, and nature of the event suitable for the location?	<u>Yes</u> / No
Can event traffic be managed to accommodate expected attendance?	<u>Yes</u> / No
Is parking provided to accommodate expected attendance?	<u>Yes</u> / No
Are adequate security and emergency medical services provided?	<u>Yes</u> / No
Are all temporary structures safe?	<u>Yes</u> / No
Are restroom facilities provided to accommodate expected attendance?	<u>Yes</u> / No
Is there a trash management and removal plan?	<u>Yes</u> / No
Is there a plan to pick-up the site after the event?	<u>Yes</u> / No
Is noise managed to minimize the impact on neighboring properties?	<u>Yes</u> / No
Is the aggregate impact of the event on others net neutral or net positive?	<u>Yes</u> / No
Can the event be accommodated with required City services?	<u>Yes</u> / No

If yes to all, then the event can be approved.
(there are also additional criteria to evaluate events on city property)

Criteria for events proposed for City property

For an event on City property, in addition to the criteria in subsections (a) through (c) of this section, the events administrator shall consider whether the event:

- 1) Partners with Scottsdale businesses to encourage retail and/or restaurant sales;
- 2) Attracts regional, national or international attendance;
- 3) Promotes Scottsdale in event-related marketing;
- 4) Features or includes entertainment or attractions of regional, national or international quality or interest;
- 5) Provides civic or cultural benefits.

Sec. 22-4 (d)

Event limits to address seasonality

- Current — Maximum of 30 consecutive days per event, no more than 48 cumulative days per calendar year per property.
- Work Study — No more than 10 consecutive days or 24 total days in a calendar year
- Proposed — No more than 10 consecutive or 24 total days during the period of January 1 through March 31, and no more than 30 consecutive days or 48 total days during the calendar year

Sec. 22-7 (a)

Event limits to address conflicts with ArtWalk

An art-related event shall not be approved by the event administrator in the area within Osborn and Camelback Roads and Goldwater Boulevard and Scottsdale Road if it conflicts with a scheduled Thursday night ArtWalk.

Sec. 22-7 (b)

Revised Process

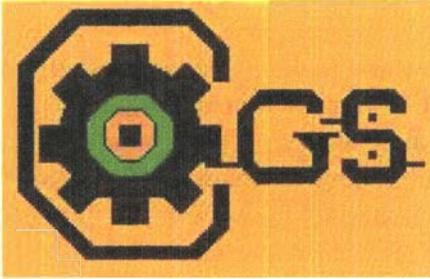
	ADMINISTRATIVE APPROVAL	SIMPLE APPLICATION	STANDARD APPLICATION
Qualifications	Grand Opening, Seasonal (Firework, Pumpkin, or Tree), Sidewalk, or Special Auto Sales	Held on Private Property and no impacts to City property or services	Held on City property, or impacts City property, or requires the use of City services
Timeline	15 day application Same-/next-day approval	30 day application, 15 day approval	60 day application, 30 day approval

Proposed Timeline

March-June	Create online application & fee payment ability, an event user guide and update website as well as processes
May	Council decision on fees
July	Ordinance goes into effect
December	Staff will provide an update to the Council

Motion to:

Adopt Ordinance No. 4242 and Resolution No. 10381



The Coalition of Greater Scottsdale

7904 East Chaparral Road, suite A110- 127

Scottsdale, AZ 85250

www.COGSaz.net

E: mails: cogsboard@cogsaz.net

To: Scottsdale City Council

7 March 2016

Re: Agenda Item # 12 Special Events Ordinance 3.15.2016

Honorable Mayor and Council Members:

COGS (The Coalition of Greater Scottsdale) respectfully makes the following editing recommendations to the Special Events Ordinance draft as presented online as of 7 March 2016.

___ Section 22.2 (d) (4) Correct to read Scottsdale **Civic Center** Mall

___ Article II. EVENT CRITERIA Section 22.4 Event Criteria

ADD: All criteria in Article II must be met to receive permit approval.

- a) (4) "Parking is **sufficiently available** to accommodate event staff, participants and spectators."
- c) "The event shall comply with applicable laws, ordinances [*moved City policies*], **regulations**, procedures, and **City policies as included in the Special Events Handbook.**"

___ Sec. 22.3 Definitions **ADD: net aggregate...retail sales....unique**

___ Sec. 22.4 (a) 9 How is "net aggregate" to be measured? What if 10 oppose and 11 support a proposed event in their area? Approve the permit or not?

___ Sec. 22.6 Simple Event Permit Required **Examples would improve this section.**

___ Sec. 22-7 Event Limits

- (a) "An event shall not occur more than 10 consecutive **days** or 24 total days during the period of January 1 through March 31...**and twenty total days in a calendar year.**" In reviewing the work study video/audio, 48 calendar days was NOT a consensus directive. Councilwoman Klapp was very specific in this [and the earlier RockBar case] that 48 annual total is way too many "special" events. Further recommendation was to spread the 24 total days per year to 6 per quarter.
- (b) An art-related event shall not be approved by the event administrator in the **Downtown** area....if it conflicts with a scheduled Thursday night ArtWalk. Councilwoman Milhaven suggested the Osborn-CamelbackRd-Goldwater-Scottsdale Road exclusive "box" but no other council member added consensus. The Civic Center is exempt from the SEO so there is no reason to identify this smaller geographic "box".

Article IV APPLICATION PROCEDURES AND REQUIREMENTS, TIME FRAMES

(b) "The time frames by which the City will review and make a decision...shall be posted on the City's website." It is critical that impacted area residential and merchants have sufficient time between notice and permit decision. The applicant's evidence of sufficient direct contact and all feedback with the area must be a required part of the Administrator's materials for review.

Sec. 22-10 Fees, Charges, and Expenses

(a) Fee. "...the applicant shall also pay all applicable fees for permit issuance set forth in the **updated, market-rate** fee schedule approved by City Council, including facility and right-of-way use fees."

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

(b) "The City Manager shall make a decision on the appeal within 10 calendar days of receiving the appeal." COGS supports that the City Manager and not a member of the Special Events staff will make this decision.

(c) (same)

Sec 22-20 Classification of Violations; Penalties.

ADD: (d) Three violations within a one year period shall prohibit/ban the violator from receiving a Special Events permit for the period of two years. The violator may not be a partner or associated with any Special Events during that period.

SAMPLE OF EVENT USER GUIDELINE CONTENTS

SECTION 2: Event Permit Application Requirements

This section must be very specific on the public notice requirements. Area residential and business contact requirements should include direct contact of a flyer, posting of pending event/application on their business website and sending that link to area merchants. ALL feedback must be included in the Administrator's review file PRIOR to a permit decision.

Thank you for your careful consideration of our recommendations. As you know, many COGS members have attended all public sessions for many months and some of our Board of Directors have participated in smaller conferences with the appropriate staff and individual council members. We strongly urge that temporary, 100% retail-focused sales are NOT events—they are business conducted outdoors. Great care must be taken that these should not be in direct competition with our permanently based city property owners and merchants.

For the COGS Board of Directors,

Sonnie Kistley Chair

To: Mayor Lane & Scottsdale City Council

Mar 7 2016

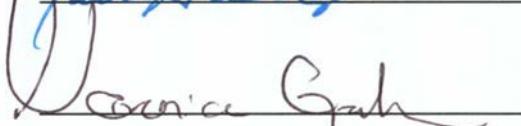
RE: Requested Revisions to New Special Events Ordinance

We the undersigned representing the Merchants of 5th Ave/Stetson Dr, the Art Galleries on Main Street and Marshall Way , and the Old Town Merchants REQUEST that the following changes be made to the final version of the Special Events Ordinance as set forth in the City of Scottsdale Council Report dated March 15, 2016:

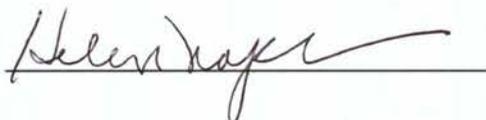
1. **Sec 22-4 (a) – A further “qualifier” clause to be added: “All of the Criteria (1-10) shall be met by event organizer/applicant in order to receive a permit”**
2. **Sec 22-4 (a) (1) - The term “unique” shall be defined as “not competing with existing year-around businesses”**
3. **Sec 22-4. (a) (9) – The following “qualifier” clause to be added: “However, if an event poses a negative impact to a “substantial” number of businesses and residents, regardless of it’s positive impact on others, the event shall be deemed as having a negative impact and a permit shall not be issued.**
4. **Sec 22.7 (a) – The entire paragraph to be deleted and replaced with: “An event shall not occur more than 10 consecutive or 24 total days during the calendar year AND NOT to occur more than 6 total days per calendar quarter”. (Note: Direction was given by Council to spread the proposed 24 days across the quarters..... not to add to the existing 24 days)**
5. **Sec 22.7 (b) – The “Thursday Night” geography to include all of Downtown Scottsdale. (Note: the restriction is for Thursday NIGHTS only, and NOT daytime)**
6. **Sec 22-10 (a) Add: “Event producer to pay market rates for use of public / city property and city facilities (ie: utilities, services etc....)”**
7. **There is no procedure defined for Community Outreach to solicit support or opposition to an event. Therefore outreach method & timing needs to be added such as systematic notification at least 2 weeks prior to approving an event as well as a mechanism for neighborhood notification via City website, mailings, etc... The provided input shall become a permanent part of the Event Application and available to public. (Note: The Guidelines handbook is informational and not enforceable for notification and evaluating process)**
8. **An event whose primarily purpose is retail sales is technically not “unique” and not an event, and should not be permitted under the Ordinance.**
9. **To protect and enhance the established Arts District as per City Code: Sec. 7.1001A, there shall be a maximum of 7 event days per quarter allowed for ALL “art-related” events. (Note: this is in addition to, and does not affect existing CUP events such as Celebration of Fine Art)**
10. **Sec 22-2 - Events held at City Parks, McDowell Sonoran Preserve, Scottsdale Stadium, Civic Center/Scottsdale Mall, and events presented by the City of Scottsdale NOT to be exempt from the Events Ordinance rules and regulations, but administrated through their respective organizations.**



5th Avenue Area Merchants Association



Scottsdale Gallery Association



Old Town Merchants Association