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Incorporated 1899

TOWN OF JEROME, ARIZONA

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ORDINANCE NO. 489

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING ARTICLE 10-3, "SPECIAL EVENTS", BY REPLACING IT IN ITS ENTIRETY

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. Article 10-3, is hereby amended to read as follows:

ARTICLE 10-3 **Special Events**

10-3-1 Purpose and Intent

10-3-2 Permit Required

10-3-3 Special Event Permit Application

10-3-4 Restrictions and Limitations

10-3-5 Signage

10-3-6 Fee and Insurance Requirements

10-3-7 Exceptions

10-3-8 Appeals

10-3-9 Violations and Penalty

Section 10-3-1 Purpose and Intent

A. The Purpose of this Article is to provide specific requirements, provisions, limitations, restrictions, and conditions for approval for special events occurring in the Town of Jerome to ensure the general health, safety, and welfare of the community and compatibility of the event with the location and facility.

[Ord. No. 475, 11/9/21]

Section 10-3-2 Permit Required

A. Unless otherwise exempted by Section 10-3-4, a Special Event Permit is required for an event with any of the following components:

1. Occurs on a Town right-of-way or on property owned or leased by the Town;
2. Uses outdoor, amplified sound;
3. Uses tents or canopies;

4. Is advertised for attendance by the general public;
5. Has an admission or registration fee;
6. Offers food, drink, goods, or merchandise for sale or by donation.

[Ord. No. 475, 11/9/21]

Section 10-3-3 Special Event Permit Application

A. Special Event Permit applications shall be submitted to the Town, on forms provided by the Town, for review and approval. Special event permit applications must be submitted at least sixty (60) days prior to the event.

1. All special event applications must be reviewed and approved by the Town Manager, in consultation as needed with the Fire Inspector, Police Chief, Zoning Administrator, Building Inspector, and/or Public Works Director. All special event permit applications that involve serving of any type of alcoholic beverage, cover multiple days, utilize multiple Town-owned venues or amplification of sound and music, are required to be reviewed and approved by the Town Council.
2. Separate permits or approvals may be required by County or State agencies, such as the Yavapai County Environmental Health Department, Arizona Department of Transportation, and Arizona Department of Liquor Licenses and Control. Documentation of such approval, if applicable, must be provided to the Town Clerk at least thirty (30) days prior to the beginning of the event.

B. The Special Event Permit application must include:

1. **Site Plan:** Applicants must submit an event site plan with a Special Event Permit Application that includes the complete area and route. Applications will not be accepted without the event site plan. Electrical panels and fire hydrants must remain accessible from the street at all times. Any changes to the event site plan after initial submittal must immediately be communicated to the Town Hall staff and a new illustrated event site plan must be provided and go through the approval process. Use the following guidelines to submit your event site plan.
 - a. Submit the event site plan on 8 ½” x 11” or 8 ½” x 14” formats.
 - b. Indicate the location of equipment, specific activity areas, locations of fencing or blockage of any area.
 - c. Indicate the location of equipment and parking and include the placement of any vehicles and/or trailers.
 - d. Indicate the location of set up/tear down equipment as well as parking for those setting up the event.
 - e. If the event includes a moving route of any kind, indicate the direction of travel and any street or lane closures.
 - f. Indicate the location of fencing, including type and height, barriers and/or barricades. Indicate any removable fencing for emergency access.

- g. If the event involves the closure of any street, indicate the provision of minimum fifteen feet (15') emergency access lanes throughout the event venue.
- h. Indicate the location of first aid facilities and ambulance staging area, if necessary as ordered by the Fire Chief or his / her designee.
- i. Indicate the location of all stages, amplified stage equipment, generators and/or sources for electricity, platforms, canopies, tents, portable toilets, booths, beer gardens, cooking areas, trash containers and dumpsters, carnival/amusement rides, merchandise vendors, control access/admission areas, and other temporary structures or activities.
- j. Indicate the direction that speakers will be pointing.
- k. For events that are fenced and/or locations within tents and tent structures, clearly indicate paths of ingress and egress.
- l. Flags may fly on applicant owned flagpole structure if approved on site plan. Flags on applicant owned flagpole structures must not be flown higher than ten feet (10') off the ground.

Town staff have the right to adjust event site plans in order to protect public the well-being of the public, prevent damage to public resources, and not impede the use of public property adjacent to the event location.

2. **Accessibility and Traffic Control Plans:** If applicable as requested by Town staff or as required by Town Code, the event applicant must submit with the Special Event Permit Application, a Traffic Control Plan indicating vehicle/pedestrian traffic control, detour routes, directional signs, barricades and street closures.
 - a. The Traffic Control Plan must be developed by a licensed and bonded barricade company. Once approved the Traffic Control Plan must be executed by a certified technician from the barricade company.
 - b. Include/indicate the proposed parade/race route, if applicable.
 - c. Traffic Control Plans must be dated and approved for the current year.
 - d. Traffic Control Plans must comply with the current Manual of Uniform Traffic Control Devices.
 - e. The event applicant is responsible for providing all required barricades and traffic control signs.
 - f. Traffic Control Plans must be finalized and approved by the Town of Manager 30 days prior to event.
 - g. All temporary venues, related structures, and outdoor sites for special events shall be accessible to persons with disabilities including without limitation compliance with the American's with Disabilities Act ("ADA").
 - h. If a portion of the area cannot be made accessible, an alternate area shall be provided with the same activities that are in the inaccessible area. It cannot, however, be offered only to patrons with disabilities.

- i. Disability access shall include parking, restrooms, clear paths of travel, transportation, signage, accessible vendors and booths.
3. **Community Outreach:** It is recommended that event organizers conduct community outreach in neighborhood(s) surrounding the event location prior to the event and will be required in many instances.
4. **Restrooms Plan:**
 - a. Portable restrooms are required for any event estimating an attendance of 100 or more people. If no permanent restrooms are on-site and the event expects less than 100 attendees, portable restroom requirements may still be required on a case-by-case basis.
 - b. For multiple day events, restrooms must be cleaned at the end of each day or prior to the next event date in order to maintain health and sanitation standards.
 - c. The Americans with Disability Act requires that 5% of all portable toilet units ordered be wheelchair accessible or a minimum of one per order, whichever is greater.
 - d. The town will charge the event applicant for associated costs when the Town of Jerome provided restrooms are not cleaned and restocked following use.
 - e. If a Town site includes permanent restrooms, it is the responsibility of the event applicant to clean and restock the restrooms during the event. Additional portable restrooms may be required.
 - f. Portable restrooms may not be placed on sidewalks or grass areas. The proposed location must be clearly indicated on the site plan.
5. **Trash and Waste Removal Plan:**
 - a. Additional trash and recycling services are required for any event estimating attendance of 100 or more people.
 - b. Event applicant is responsible for removal of all trash generated by the event. If Town staff finds the receptacles full or overflowing, and/or additional waste found within the park(s) or other public venues, after the take-down time stated on the permit, event applicant may be billed an additional service charge to be determined according to time spent cleaning the waste.
 - c. Please contact the Town of Jerome for assistance in determining trash needs when preparing the special event application.
6. **Transaction Privilege Tax License Requirements:** The event applicant must submit a list of all participating vendors to the Town of Jerome Manager prior to the event. List must include vendors' business name(s) (dba), owner(s) name(s), physical

location of business, contact telephone number(s), and vendor's Transaction Sales Tax License number with Jerome listed as a Region Code. Services to register, file and pay are available online at AZTaxes.gov.

7. Alcohol License Required:

- a. If required for the event, Special Event Liquor License applications are available online at:
https://azliquor.gov/forms/lic_specialeventapp_access.pdf
- b. After completing the application, the event applicant must deliver or send the application to the Police Department and Town Clerk for review no later than sixty (60) days prior to the event.

8. Licenses and Permits: Copies of any required State or local licenses, or application submitted for State or local licenses for any business attending, including Town of Jerome Business licenses when required shall be delivered to the Town Manager no later than seven (7) days prior to the start of the special event. See Article 8-3 of the Jerome Town Code.

9. Parades, Walks and Race Routes:

- a. Detailed illustration of event routes must be included in the event site plan. Proposed street closures must include a traffic control plan from a licenses barricade company.
- b. Throwing any items from parade floats or other motorized vehicles is strictly prohibited.
- c. When an event route extends beyond city limits/jurisdiction, written approval for property use is required from the associated agency. (AZ State highways, railroad, National Forest Service, Yavapai County, etc.)
- d. The event applicant is responsible for cleaning the parade, motorcade, walk or race route. Removing trash from spectator areas (i.e. sidewalks) is also the responsibility of the event producer.

10. Guidebook Provisions: All provisions of the Town of Jerome Special Event Guidebook must be adhered to and included in a special event application.

C. Special events which occur on a Town right-of-way or on property owned or leased by the Town require an "Application for Facility Use." This application must be submitted along with the Special Event Permit application at the same time of submission.

[Ord. No. 475, 11/9/21; Ord No. 486, 12/13/22]

Section 10-3-4 Restrictions and Limitations

A. Special events conducted within the Town shall be in compliance with applicable Town ordinances and State and County regulations.

- B. The Town reserves the right to limit the hours of the special event to avoid unreasonable interference with adjacent properties.
- C. No special event shall be detrimental to the public health, safety, peace, convenience, comfort and general welfare of persons residing or working in the neighborhood of such event or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the Town.
- D. The special event must not disrupt parking access, traffic flow, pedestrian access or landscaped areas.
- E. Cleanup of the site, including removal of all waste and temporary structures, must be completed by 10:00 a.m. of the morning following the end of the special event or as otherwise provided for in the Special Event Permit.
- F. No special event shall continue for longer than two consecutive days without explicit permission from the Jerome Town Council.
- G. Any event where attendance is anticipated by more people than the building's current occupancy limit will allow, and where attendees will spill out on the Town's sidewalks or streets, must arrange for a law enforcement officer to provide crowd control. This applies to exempt events described in section 10-3-7 as well as non-exempt events.

[Ord. No. 475, 11/9/21]

Section 10-3-5 Signage

- A. All signage must comply with Section 509 of the Jerome Zoning Ordinance.
- B. A separate sign permit is not required for special event signs.

[Ord. No. 475, 11/9/21]

Section 10-3-6 Fee and Insurance Requirements

- A. The application for a Special Event Permit shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council. No part of the application fee shall be returnable. Payment of the application fee shall be waived when the petitioner is representing Yavapai County, State or Federal Government.
- B. The applicant shall execute an indemnify and hold harmless agreement indemnifying the Town and its officials, officers, employees, and agents, from any liability related to personal injury, death or property damage as a result of the special event.

C. Insurance Requirements as follows:

1. For events and series of events occurring on Town-owned property, the Applicant/Event Organizer must provide a certificate of insurance for commercial general liability, auto liability (if applicable), and liquor liability (if applicable) naming the Town of Jerome as additionally insured.
2. The Certificate of Insurance naming the Town and its officers, officials, agents and employees as additional insured MUST be accompanied by a broad form additional insured endorsement that is acceptable to the Town of Jerome.
3. Insurance coverage must be maintained for the duration of the event including set-up and take-down dates.
4. The certificate must indicate the dates, times and location of the event. The person/organization listed on the certificate must be the Applicant/Event Organizer.
5. For event series or organizations with multiple events throughout the year, the Event Organizer may use the following verbiage: "Town of Jerome is listed as additional insured for any and all events held on Town Property."
6. Certificate of Insurance and Endorsement shall be addressed to the attention of the Town of Jerome and submitted with the Special Event Permit Application.
7. Finalized certificates of insurance and endorsements must be submitted at minimum 30 days prior to the event date.
8. Minimums are as follows:
 - a. \$1,000,000 per occurrence
 - b. \$1,000,000 aggregate
 - c. \$1,000,000 automobile liability (or non-owned automobile liability) (if applicable)
 - d. \$1,000,000 liquor liability insurance (if applicable)
9. Workers' Compensation statutory coverage with basic employers' liability limits (if applicable)
 - a. \$100,000 per occurrence for bodily injury
 - b. \$100,000 per employee for bodily injury by disease
10. \$500,000 aggregate for bodily injury by disease
11. Additional limits may be required after review.
12. Providing the above listed insurance does not in any way reduce or eliminate any responsibility assumed under the indemnify agreement, described in the Special Event Permit Application as Affidavit of Applicant/Event Organizer.
13. Insurance coverage provided by the applicant must be primary and non-contributory insurance with respect to the Town, its officers, officials, agents and employees. Any insurance or self-insurance maintained by the Town, its officers, officials, agents or employees must be in excess of the coverage provided by the applicant and must not contribute to such coverage.

[Ord. No. 475, 11/9/21]

Section 10-3-7 Exceptions

- A. The following activities shall be considered exempt from the requirements for a Special Event Permit where such activities are conducted entirely on private property or permitted public facilities. Activities listed as exempt are required to be in compliance with all applicable Town codes, ordinances and regulations at all times, including those pertaining to noise, signs, and off-premise activities.
1. Weddings and funeral ceremonies. Weddings, funerals and similar religious ceremonies conducted at churches, cemeteries, private facilities or residences.
 2. Yard and garage sales. Sale Events conducted at residential properties by and for the residents to allow disposal of miscellaneous used personal property, where such events are otherwise in compliance with all applicable Town codes, ordinances and regulations.
 3. Election activities and political rallies. Activities, meetings, and gatherings of a political nature.
 4. Events conducted entirely on private property at a single location that are also otherwise exempt from obtaining a Special Event Permit.
 5. Private events held in a Town park, attended by no more than 20 people, and where no alcohol is served or consumed.
 6. Town-sponsored or Town co-sponsored activities and events.
- B. Regardless of exemption status, any event where attendance is anticipated by more people than the building's current occupancy limit will allow, and where attendees are expected to spill out on the Town's sidewalks or streets, must arrange for a law enforcement officer to provide crowd control.
- C. Regardless of exemption status, for any event having more than 75 attendees, attendees are encouraged to park at the 300 level parking area or arrange to be shuttled in.
- D. Events which would otherwise require a permit, but which are conducted for the exclusive benefit of a non-profit organization, charitable cause or as a fundraiser for a resident in need, may apply to the Town Council for a special exemption.

[Ord. No. 475, 11/9/21; Ord. No. 486, 12/13/22]

Section 10-3-8 Appeals

- A. Any person may file an appeal with the Town Council over any decision of the Town Manager and/or Staff regarding the granting or denying of a Special Event Permit. If no appeal is filed within fifteen (15) days after the Town's action, the action shall be considered final.
- B. A written appeal shall be filed with the Town Clerk who shall then schedule the item for consideration by the Town Council. The Council shall consider the appeal at a public meeting and shall either uphold the action of the Town Manager, reverse that action, or make a decision of its own findings. The Council's decision shall be final.

[Ord. No. 475, 11/9/21]

Section 10-3-9 Violations and Penalty

- A. Special Events requiring a permit as set forth in this Article and occurring without a valid permit shall be subject to immediate cessation pursuant to notice from the Town Manager or designee. It shall be unlawful to continue event activities after notice of a violation has been issued.

- B. Failure to comply with the requirements of this section or with any stipulations of the Special Event Permit is a Class 2 misdemeanor offense and may be punishable by a fine in an amount up to seven hundred fifty dollars (\$750.00) plus applicable surcharges, imprisonment for a period up to four (4) months, and probation for a period up to two (2) years.

[Ord. No. 475, 11/9/21]

Section 2. Following its adoption, this Ordinance shall be published by the Town Clerk in accordance with the requirements of A.R.S. § 39-203 *et seq.*

Section 3. All ordinances or parts of ordinances that are in conflict with the provisions of this Ordinance are hereby repealed to the extent of their inconsistency herewith.

Section 4. Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance, any provision incorporated by reference and any other provision of the Town Code as a whole or any part thereof other than the part so declared invalid.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, THIS.

Christina R. Barber, Mayor

ATTEST:

APPROVED AS TO FORM:

Brett Klein, Town Manager/Clerk

William J. Sims, Esq. Town Attorney

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Dates of publication:

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	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER						
DILLENBERG						
HARVEY						
MOORE						
SHEFFIELD						