



**ORDINANCE NO. O2019-06**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CAVE CREEK, MARICOPA COUNTY, ARIZONA, AMENDING VARIOUS SECTIONS OF THE TOWN OF CAVE CREEK TOWN CODE, CHAPTER 114 ENTITLED "SPECIAL EVENTS" BY AMENDING "CHAPTER 114, SPECIAL EVENTS", ESTABLISHING AN EFFECTIVE DATE, PROVIDING FOR REPEAL AND SEVERABILITY AND DECLARED TO BE A PUBLIC RECORD BY RESOLUTION NO. R2019-19.**

**WHEREAS**, Section 10.18 of the Town of Cave Creek Town Code establishes a process for approving text amendments to the Town of Cave Creek Town Code;

**WHEREAS**, the Town of Cave Creek Town Council following due notice and posting, met and recommended the text amendment terms set forth in this Ordinance; and

**WHEREAS**, Arizona Revised Statutes §9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, provided that the adopting ordinance is published in full; and

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Cave Creek, Arizona, as follows:

Section 1: That Town of Cave Creek Town Code, "Chapter 114 - Special Events" is hereby deleted in its entirety and replaced with a new "Chapter 114 - Special Events." Three (3) copies of "Chapter 114 - Special Events" are on file with the Town Clerk of the Town of Cave Creek, Arizona, which document was made a public record by Resolution No. R2019-19 of the Town of Cave Creek, Arizona, and hereby referred to, adopted and made a party hereof as if fully set forth in this Ordinance.

Section 2: This Ordinance is to be effective when publication and posting pursuant to A.R.S. § 9-812 is accomplished.

Section 3. All ordinances, or parts of ordinances, adopted by the Town in conflict with the provisions of this ordinance or any part of the Town Code adopted herein by reference, are hereby repealed, effective as of the day this Ordinance is effective.

**PASSED AND ADOPTED BY** the Mayor and Council of the Town of Cave Creek, Arizona, this 21 day of January, 2020 to be effective upon the expiration of a thirty-day period following the adoption hereof and completion of notice and publication pursuant to A.R.S. § 9-812.

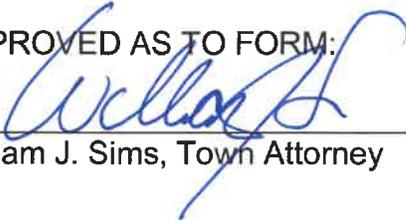
ATTESTED TO:

  
\_\_\_\_\_  
Carrie Dyrek, Town Clerk

FOR THE TOWN OF CAVE CREEK:

  
\_\_\_\_\_  
Ernie Bunch, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
William J. Sims, Town Attorney

## EXHIBIT B

### Cave Creek Town Code

## CHAPTER 114: SPECIAL EVENT PERMITS

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Section	
114.01	Purpose
114.02	General requirements
114.03	Definitions
114.04	Insurance
114.05	Permit Application & Processing
114.06	Permit revocation
114.07	Appeal
114.08	Exemptions
114.09	Penalty

### § 114.01 PURPOSE.

The purpose of this chapter is to provide a procedure for issuance of a special event permit in order to protect public health, safety and welfare, and to provide for safe traffic control, public sanitation facilities, emergency care provisions and buffering of nearby neighborhoods.

(Ord. O2009-15, passed 11-2-09)

### § 114.02 GENERAL REQUIREMENTS.

(A) A special event permit may be issued in accordance with this Chapter for special events in which the applicant can demonstrate that there is sufficient parking and street access for the event, and that the event will not create a nuisance and will not otherwise threaten the health, safety and welfare of the residents of the town and its visitors. The Town reserves the right to deny the issuance of a special

event permit and/or limit the number of special event permits issued for special events occurring concurrently if there is a concern for public health, safety and/or welfare.

(B) A permit shall be required for a Special Event as defined in this Section.

(C) All special event permits shall not be issued for a period of time longer than four consecutive days per week, unless a longer period of time is requested from and granted by the Town Council in advance.

(D) Additional permits, licenses, taxes or regulations may be imposed by the Town Code as may be required for the protection of the health, safety, and welfare of the general public or otherwise required by federal, state, or municipal law or regulation.

(E) The Town Planning Department may, subject to approval by the Town Council of a specific program allowing for signage on poles, implement and operate such a program allowing for signage on poles located on town property right-of-way. Any signage displayed must be reviewed, permitted and approved by the town, including its Planning Department, Town Marshal, Town Engineer, and Building Official, and may not include any lights on the poles. The signage permitted by the town under this division may be known as signage permitted pursuant to the Street Banner Program. The town, through its Planning Department, may charge fees for its safety review, approval, and permit process for signage under this Section.

(Ord. O2009-15, passed 11-2-09; Am. Ord. O2013-12, passed 1-6-14) Penalty, see § 114.99

### § 114.03 DEFINITIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) **SPECIAL EVENT.** An event established for a period of time not to exceed four consecutive days per week, that is open to the public, and that meets at least one of the following conditions

(1) The event requires off-site parking and/or displaces on-site parking, such as when the parking area, or a portion thereof, is being utilized for purposes other than parking; or

(2) The event is located upon or uses any part of public property, including Town Right of Way or private easements dedicated for public use.

(B) **SPECIAL EVENT PERMIT.** A permit issued by the Town of Cave Creek in accordance with this Chapter.

(Ord. O2009-15, passed 11-2-09)

#### **§ 114.04 INSURANCE.**

(A) No applicant shall be entitled to a permit under this Section unless and until he or she shall have filed and maintained on file with the town a certificate certifying that he or she or his or her company or business firm carries public liability and property damage insurance issued by an insurance carrier authorized to do business in the state insuring the applicant and the town and its agents against loss by reason of injuries to, or death of, persons, or damages to property arising out of or related to the event caused by the applicant, its agents, or its employees. Such insurance shall be primary and provide coverage for all liability assumed by the applicant under this section and shall be provided by any permittee in the amounts established by the town as required by its insurer.

(B) Failure by the applicant to provide the town with a certificate of insurance in the amounts required by the town, and failure by the town to demand the filing by the permittee of such a certificate before such a permit is issued, shall not be deemed to waive the permittee's obligation to provide the insurance specified herein. Such insurance certificate shall remain in effect and be kept on file with the Town Engineer until the event has concluded. The insurance certificate shall provide that coverage cannot be cancelled or expire without providing 15-days written notice of such action to the town also noting the permit number.

(1) No evidence of liability insurance or surety bond shall be required as a condition precedent to the issuance of a permit to a federal, state, county, or political subdivision.

#### **§ 114.05 PERMIT APPLICATION & PROCESSING.**

(A) **Application and fee.** A completed special event application and full payment of the applicable fee as established by the town must be submitted to the town at least 30-days prior to the start date of the event. Each application for a special event permit shall include the following information as may be applicable to the event. The Town reserves the right to require additional information to process the special event application as may be required by the specific event:

(1) Traffic and pedestrian control plan, if necessary. If a road may be closed or restricted in whole or in part, an application for a road closure permit may be necessary.

(2) A fire control plan for Fire Official approval, if applicable.

(3) Proof of Town of Cave Creek business license.

(4) Proof of liability insurance.

(5) Evidence of adequate restroom facilities, as required by Maricopa County Health Code Chapter II – Sewage and Wastes, Section 6 and as may be required by the Americans with Disabilities Act.

(6) Proof of compliance/plan of compliance with the Town's Noise, Lighting and Litter ordinances Town Code, Title XIII General Offenses, Chapter 130, § 130.07 Nuisances and §130.11 Lights, and Town Code, Title IX General Regulations, Chapter 92 Health and Sanitation.

(7) Completed application for special event liquor license, if requested.

(8) Proof of Property Owner Authorization.

(9) Site and Signage Plans/ROW permit application: Map depicting layout of event and structures, including location of any signage. If signage is requested to be placed in the right-of-way, a right-of-way permit is necessary and the requirements applicable to right-of-way permits shall apply.

(10) Permit processing. All applications shall be evaluated by the applicable Town official or department in accordance with federal, state and town requirements or regulations. Applications may be approved, denied, modified or approved in part/denied based on these criteria.

(Ord. O2009-15, passed 11-2-09)

#### **§ 114.06 PERMIT REVOCATION.**

(A) A special event permit may be revoked by the Town for any of the following reasons:

(1) Failure to conduct the special event as presented on the application;

(2) Failure to comply with special conditions in the approval of the application;

(3) If the event poses a threat to the public health, safety or welfare.

(B) In the event a special event permit is revoked, a future permit from the same sponsor or business shall not be issued unless the application receives prior approval by the Town Council.

(Ord. O2009-15, passed 11-2-09)

**§ 114.07 APPEAL.**

(A) If a permit application is denied or a permit is revoked, the Town Marshal shall notify the applicant in writing of the reasons for the denial or revocation. An applicant who has been denied a permit, whose permit has been revoked, or who objects to any special conditions of the permit, may appeal the action of the Town Marshal in writing to the Civil Hearing Officer within ten working days from the denial, revocation, or approval subject to conditions.

(B) Upon receiving the written appeal, the Civil Hearing Officer shall set an appeal hearing in accordance with the provisions provided in the §31.28, Commencement of Enforcement Action on Civil Code Infraction.

(Ord. O2009-15, passed 11-2-09)

**§ 114.08 EXEMPTIONS.**

Events occurring on public property or operated/sponsored by the Town of Cave Creek or the Cave Creek School District are exempt from the provisions of this chapter except for the requirements of Section 114.02(E). An event is considered to be sponsored by the Town of Cave Creek if the event is approved by the Town Council at a public meeting.

(Ord. O2009-15, passed 11-2-09)

**§ 114.09 PENALTY.**

(A) An applicant whose permit has been revoked, and the revocation upheld, or who holds a special event without obtaining a special event permit, shall not be granted another special event permit for a period of one year from the date of the event.

(B) If a special event is held without a permit approved pursuant to the provisions of this chapter, the property owner shall be guilty of a civil code infraction and shall be subject to the provisions in the § 31.28, Commencement of Enforcement Action on Civil Code Infraction.

Ord. O2009-15, passed 11-2-09)