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ORDINANCE NO. 2007- 114

**AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS
ESTABLISHING A SPECIAL EVENTS ORDINANCE FOR THE
UNINCORPORATED AREAS OF PIMA COUNTY, ARIZONA. (All Districts)**

WHEREAS, the Board of Supervisors of Pima County, Arizona ("the Board"), has the authority under Arizona Revised Statutes (A.R.S.) Section 11-251 to operate, regulate, manage and maintain the public rights of ways in Pima County, and

WHEREAS, the Board has determined it to be necessary for security and safety of the citizens of Pima County to adopt regulations for the management of public events within County rights of way,

NOW THEREFORE, IT IS HEREBY ORDAINED by the Board of Supervisors of Pima County, Arizona, that:

SECTION 1. Title 10 of the Pima County Code is hereby amended to add a new section, **Chapter 10.45. SPECIAL EVENTS IN COUNTY RIGHTS OF WAY** as follows:

Chapter 10.45

SPECIAL EVENTS IN COUNTY RIGHTS OF WAY

Sections:

- 10.45.010. Purpose.**
- 10.45.020. Special event defined.**
- 10.45.030. Person defined.**
- 10.45.040. Permit required.**
- 10.45.050. Permit application.**
- 10.45.060. Standards for issuance.**
- 10.45.070. Conditions for issuance of permit.**
- 10.45.080. Insurance requirements.**
- 10.45.090. Permit fees.**
- 10.45.100. Safety protection.**
- 10.45.110. Claims.**
- 10.45.120. Review of application; decision.**
- 10.45.130. Compliance.**
- 10.45.140. Notice of issuance; denials.**
- 10.45.150. Appeals.**

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10.45.160. Penalty for violations.

10.45.170. Revocations.

Chapter 10.45 Special Events in County Rights of Way

10.45.010. Purpose.

This chapter may be cited and referred to as the Pima County Special Events Ordinance. The purpose of this chapter is to establish the County's approval and permitting process for special public events that utilize some element of the public right of way in unincorporated Pima County. Any person, company, organization or public event may be permitted to use the county public right of way for a special event or activity in accordance with the provisions of this ordinance. Any permit granted under this chapter may include conditions imposed to reduce or minimize the dangers and hazards to vehicular, bicycle, or pedestrian traffic and public health, safety, tranquility, morals or welfare, including, but not limited to, restrictions on timing, location, duration, number of participants, levels of sound, and activities permitted. This ordinance will be applied uniformly without discrimination as to age, gender, ethnicity, religion or political affiliation.

10.45.020. Special event defined.

As used in this chapter the words "special event" shall mean any organized competitive or non-competitive activity consisting of pedestrian, bicycle or other non-motorized or motorized group that have a mass start or special activity including charitable events, block parties, grand openings, etc., which could interfere with the normal use of any public street or right-of-way within Pima County. "Special event" does not include motion picture filming for which a separate license is required under other sections of the County Code. However, if filming activities encroach or interfere with the normal use of any public street or roadway, traffic engineering will need to review traffic control applications as they pertain to the Manual of Uniform Traffic Control Devices (MUTCD) and County Traffic Engineering Standards.

10.45.030. Person defined.

As used in this chapter the word "person" means any individual, firm, partnership, copartnership, corporation, charitable organization, city, county other than Pima County, municipality, district or other political subdivision other than the Pima County Free Library District, Pima County Flood Control District, or Pima County Stadium District, or any combination of the above.

10.45.040. Permit required.

A person shall not conduct, manage, or sponsor any organized special event within a public street or right-of-way under the jurisdiction of Pima County unless a permit has first been properly acquired for such special event. Furthermore, where a permit has been issued for an organized special event pursuant to this ordinance, a person shall not conduct, manage or participate in the permitted special event in violation of or in any manner contrary to the provisions of the permit. Any violation of any requirement or condition of the permit shall be grounds for immediate revocation of the permit by Pima County.

10.45.050. Permit application.

Any person desiring to conduct or manage a special event shall, not less than ninety (90) calendar days before the date on which the special event is to occur, file with the Traffic Engineering Division of the Pima County Department of Transportation, an application for a special event permit on a form furnished by that department setting forth the following information:

1. The name, address and telephone number of the applicant and of any other persons, organizations, firms or

corporations on whose behalf the application is made and the purpose of the special event.

2. The name, address and telephone number of the person who will be the special event chairperson or organizer and will be responsible for the special event.
3. The name, address and telephone number of the person or organization to which the permit is to be issued.
4. The date or dates when the special event is to be conducted and the time when the special event is to commence and finish
5. The route to be traveled with designated starting and termination points and a traffic control plan describing in detail the placement and types of traffic control devices and law enforcement or safety personnel. The traffic control plan shall include the name, address, and contact information for the Barricade Company and law enforcement agency or safety personnel provider contracted by the applicant to provide traffic control and security during the special event.
6. If requesting a road closure, indicate the beginning and end points and times of the requested closure.
7. Any assembly and disassembly areas or other staging areas to be used for the special event.
8. Whether parking is requested or prohibited, and the area designated as such.
9. The estimated number of persons who will participate.
10. The estimated number and description of vehicles, if any, which will participate in the special event.
11. Whether or not charity, gratuity, or offerings will be solicited or accepted, or sales of food, beverages or other merchandise will occur before, during, or after the special event.
12. Commitment to clean up any debris generated by the special event.
13. If the special event includes any activities in which any of the participants will be participating in a time event or racing competitively for any recognition or award.
14. Ages or age groups of the participants.
15. If the event passes through any state right-of-way or other roadway under the jurisdiction of another municipality, the applicant is responsible to obtain any and all necessary permits from each jurisdiction.

The Pima County Engineer may waive the time limitation for filing an application if it is found that unusual circumstances or good cause exists and no unreasonable burden will be created by the waiver upon the county or its citizens.

10.45.060. Standards for issuance.

A special event permit will be issued when, based on information contained in the application and obtained from other sources, a finding is made that all of the following circumstances exist:

1. The special event permit application has been circulated to the following departments or agencies for their recommendations:
 - a. The Pima County Sheriff's Department.
 - b. The Pima County Risk Manager
 - c. The fire department(s) having jurisdiction.
 - d. The adjacent public lands manager, if applicable. This includes Pima County Natural Resources, Parks and Recreation and National Park Service
2. The applicant has obtained and provided written proof of the insurance, as required by Section 10.45.080.
3. The applicant has paid the special event permit fee in accordance with Section 10.45.090 of this ordinance.
4. If any state right-of-way is part of the area to be used for a special event, the applicant is responsible to obtain any and all necessary permits from the Arizona State Department of Transportation and the Arizona State Department of Public Safety
5. If the route passes through, or is on a road located on the boundary of an incorporated municipality, or municipalities, the applicant is responsible to obtain the pertinent permit required for the special event by each municipality.

6. Issuance of this special events permit does not relieve the applicant of the responsibility of acquiring any other permits required by law.
7. That the applicant has contracted with the Pima County Sheriff's Department or others approved by the Pima County Sheriff's Department to provide any additional law enforcement deemed necessary by the Pima County Sheriff's Department.
8. The applicant has contracted for the proper barricades and warning devices as required in the traffic control plan submitted to and approved by the Traffic Engineering Division of the Pima County Department of Transportation.
9. The applicant has not knowingly, or with intent to deceive, made any false, misleading or fraudulent statements of material fact in the application for a special event permit or in any other document required pursuant to this chapter.
10. The applicant has met the standards in this chapter and paid in advance any and all fees required, and agree to such conditions as are imposed in the special event permit.
11. The time, duration and size of the special event will not require the diversion of so great a number of police officers as to prevent the normal law enforcement protection.
12. The concentration of persons and/or equipment will not unduly interfere with proper fire and police protection, or ambulance service to special event area and areas contiguous to such special event.
13. The special event will not unduly interfere with the orderly operation and accessibility, to persons with and without disabilities, of public roadways, hospitals, parks, schools, or other public and quasi-public institutions in the county.
14. The applicant has provided reasonable means for informing all interested persons and all persons participating in the special event of the terms and conditions of such special event permit and applicable laws thereto.
15. The special event will not conflict with or interfere with another special event for which a permit has been previously granted.
16. The special event permit does not relieve the person obtaining the permit from conducting the event in a reasonably safe manner for the participants and the general public.
17. If a road closure is deemed necessary by the County Engineer or designated representative, a Resolution will be submitted to the Board of Supervisors for their consideration and approval.

10.45.070. Conditions for issuance of permit.

Any special event permit granted under this chapter shall contain conditions reasonably calculated to reduce or minimize the dangers and hazards to vehicular, bicycle, or pedestrian traffic and public health, safety, tranquility, morals or welfare, including, but not limited to, changes in time, duration, numbers of participants, or level of sound.

10.45.080. Insurance requirements.

Every permit shall require the applicant to obtain and maintain Commercial General Liability insurance with limits not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate covering claims arising from bodily injury, including death or property damage alleged to have been caused or contributed to due to the special event. The insurance policy shall include participant legal liability and spectator legal liability coverage, and shall be endorsed to include Pima County and its officers, employees, and agents as additional insured. Pima County's Risk Manager may require increased coverage limits and other types of insurance based upon the nature of the special event.

10.45.080

The applicant shall provide a certificate of insurance with evidence of the required insurance coverage not later than five working days prior to the special event. Failure to maintain the required insurance shall be a material breach of the permit. The permit shall include an agreement by the applicant waiving any claim against the County and agreeing to indemnify and hold the County harmless from any claims due to cancellation of the special event due to failure to maintain required insurance.

10.45.090. Permit fees.

The applicant shall pay a permit processing fee in an amount adopted by the Board of Supervisors.

10.45.100. Safety protection.

1. Every applicant shall include a traffic control plan to be reviewed and approved by the Traffic Engineering Division of the Pima County Department of Transportation.
2. Every applicant shall, at their own expense, provide barricades, warning devices and off duty law enforcement where such protection is found necessary for the public safety in accordance with a traffic control plan approved by the Traffic Engineering Division of the Pima County Department of Transportation, and the Pima County Sheriff's Department.
3. The applicant shall be responsible for any and all off duty law enforcement officers deemed necessary by the Pima County Sheriff's Office and the Traffic Engineering Division of the Pima County Department of Transportation, as a consequence of such special event. Use of off duty law enforcement officers shall be specified as a supplement to an approved traffic control plan. Off duty law enforcement officers shall be required at signalized intersections. Placement of off duty enforcement officers on County roads and streets shall require proper placement of advance warning signs. The number and type of officers shall be determined and specified by the Pima County Sheriff's Department to provide for the public safety and protection of public property in and around the area of the special event.

10.45.110. Claims.

Every special event permit shall contain an agreement whereby the applicant shall agree to indemnify, defend and hold harmless Pima County, its boards, commissions, officers, employees and agents from all suits, actions, damages or claims to which they may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of the special event and the activities permitted in connection therewith.

10.45.120. Review of application; decision.

After receipt of the application, Traffic Engineering Division of the Pima County Department of Transportation, will review the application and shall consider the recommendation and application and shall make such decision thereon as is warranted under the provision of this chapter.

10.45.130 Compliance.

Prior to issuance of a special event permit under this chapter, all applicable ordinances, rules and regulation shall be complied with and all required permits and licenses shall be secured in connection with such special event, or the proposed activities associated therewith including, but not limited to, charitable solicitations, collections or acceptance of gratuities, the sale of food, beverages or other merchandise, or the use of candles, torches, fires or other combustibles, including pyrotechnics.

10.45.140. Notice of issuance; denials.

10.45.140

Written notice of the issuance or denial of a special event permit shall be provided to the applicant by the Pima County Engineer or designated representative within thirty calendar days of receipt of an application or as soon as practicable if received less than thirty days in advance of the proposed date of the special event.

10.45.150. Appeal of permit denial.

If the special event permit is denied by the Pima County Engineer or designated representative, the applicant may, within five working days, appeal in writing the denial to the Pima County Board of Supervisors through the Pima County Engineer or designated representative. The Board of Supervisors shall hear the appeal at the next available regularly scheduled Board meeting. The decision of the Board of Supervisors regarding the appeal shall be final.

10.45.160. Penalty for violations.

Any person violating any provision of this ordinance shall be guilty of a petty offense and subject to a fine of three hundred dollars per person per violation ARS 13-802(D).

10.45.170. Revocations.

Any special event permit for a special event issued under this chapter may be summarily revoked at any time by the Pima County Engineer or designated representative, following consultation with the Pima County Board of Supervisors or the Pima County Sheriff's Department when, by reason of disaster, public calamity, public safety, or other emergency, the County Engineer or designated representative determines that the safety of persons and property demands such revocation.

SECTION 2. For purposes of implementing this ordinance, the Board authorizes a permit processing fee in the amount of \$45.00 to be charged for each application for a special events permit.

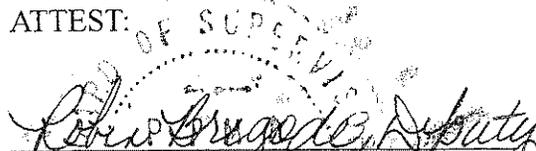
SECTION 3. The Board has determined that this ordinance shall become effective 30 days after the date of adoption of the Board of Supervisor.

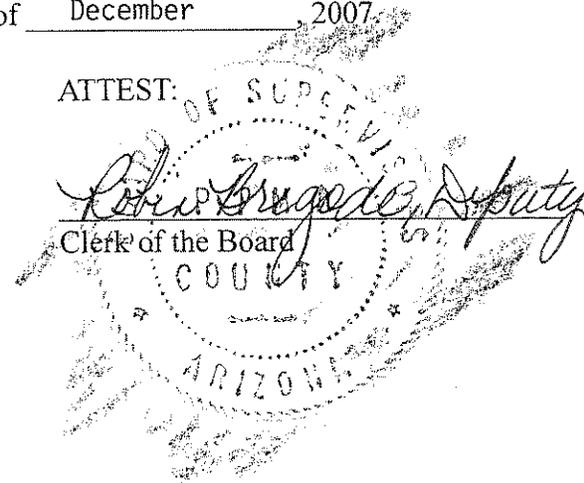
SECTION 4. The various County officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

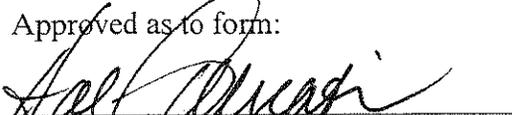
PASSED AND ADOPTED this 18th day of December, 2007.

PIMA COUNTY BOARD OF SUPERVISORS


Chairman, Board of Supervisors

ATTEST:

Clerk of the Board



Approved as to form:

Deputy County Attorney

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