

## TOWN OF PINETOP-LAKESIDE

### ORDINANCE NO. 14-379

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, REPEALING “TOWN CODE CHAPTER 5.12 SPECIAL EVENT PERMITS” AND “TOWN CODE CHAPTER 12.12 TOWN PARKS” AND ADOPTING NEW “TOWN CODE CHAPTER 5.12 SPECIAL EVENT PERMITS” AND “TOWN CODE CHAPTER 12.12 TOWN PARKS”.**

**WHEREAS**, the proposed amendments to “Town Code Chapter 5.12 Special Event Permits, and Chapter 12.12 Town Parks” was declared to be a Public Record by adopting Resolution No. 14-1298; and

**WHEREAS**, pursuant to A.R.S. § 9-802, three (3) copies of amendments to “Town Code Chapter 5.12 Special Event Permits, and Chapter 12.12 Town Parks” are on file in the Office of the Town Clerk, and referred to in this Ordinance by reference; and

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Town Council of the Town of Pinetop-Lakeside, Arizona as follows:

- Section 1.** “Town Code Chapter 5.12 Special Events and Chapter 12.12 Town Parks” is repealed in its entirety. All action taken in accordance with Chapter 17.108 prior to repeal remains fully in effect.
- Section 2.** Town Code Chapter 5.12 Special Events and Chapter 12.12 Town Parks are hereby adopted by reference, as if fully set forth herein. A copy of the full text of the new Town Code Chapter 5.12 Special Events and Chapter 12.12 Town Parks is attached as Exhibit “A” with any changes made by the adopting motion as noted.
- Section 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of “Town Code Chapter 5.12 Special Events and Chapter 12.12 Town Parks” adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.
- Section 4.** Failure to comply with the standards of this Chapter 5.12 shall be considered a violation of the Town Code and subject to code enforcement action under Chapters 1.20 Enforcement and Penalties, and a violation of Chapter 12.12 Town Parks will be considered a violation subject to enforcement action under Section 12.12.130 or Chapter 1.20.
- Section 5.** **12.12.130 Enforcement and penalties.**
- A. The Town Police Department, the Code Enforcement Officer, and employees of the Parks and Recreation Department shall, in connection with their duties imposed by law, enforce the provisions of this Chapter.
- B. The Town Police Department, the Code Enforcement Officer, and employees of the Parks and Recreation Department shall have the authority to

order any person or persons acting in violation of this Chapter to leave the park or recreation area.

C. Violators of this Chapter may be cited using the uniform traffic citation form or any other form approved by the Chief of Police. The citation shall show the specific Section or Sections alleged to have been violated, a brief description of the violation, whether the citation is for a civil or criminal offense, and whether the violation is charged as a second, third or greater offense. If there is no designation of a second or greater offense, the citation shall be considered a first offense. For continuing violations, the dates or the number of days shall also be noted on the citation.

D. Violations of the following sections of this Chapter shall be charged on the first and subsequent offenses as a Class 2 Misdemeanor:

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Pinetop-Lakeside, Arizona, this 9<sup>th</sup> day of January 2014.

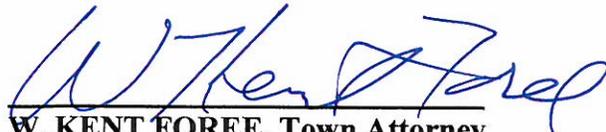
**TOWN OF PINETOP-LAKESIDE**

  
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**ROGER WILLIAMS, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**LEAH CHAVEZ, Town Clerk**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**W. KENT FOREE, Town Attorney**

## Chapter 5.12 SPECIAL EVENT PERMITS

### Sections:

- 5.12.010 Permit required.**
- 5.12.020 Time restriction.**
- 5.12.030 Special event application requirements.**
- 5.12.040 Special event plot plan.**
- 5.12.050 Special event permit application fee.**
- 5.12.060 Special event vendor's permit application fee.**
- 5.12.070 Permit approval/denial.**
- 5.12.080 Location.**

#### **5.12.010 Permit required.**

A. It is unlawful for any person to conduct or sponsor a special event as defined in Town Code Chapter 5.04 within the Town limits without first obtaining a special event permit pursuant to the requirements of this chapter.

B. It is also unlawful for any person to sell or offer for sale goods or services at a special event within the Town limits without first obtaining a special event vendor's permit pursuant to the requirements of this chapter. (Ord. 12-361 § 1; Ord. 97-144 § 1(V(A)))

C. Special events on Town-owned property are subject to the provisions of Town Code Chapter 12.12 Town Parks.

#### **5.12.020 Time restriction.**

Special events shall not exceed ten (10) days in duration, nor occur more than four (4) times in any calendar year. A special event permit shall be limited to the specific time restriction shown on the permit. (Ord. 97-144 § 1(V(B))) (Ord. 02-206)

#### **5.12.030 Special event application requirements.**

Any person applying for a special event permit should submit an application to the Department at least thirty (30) days prior to commencement of the special event. Any submission less than thirty (30) days prior to the event may be declined if, in the determination of the Town Manager, there is not sufficient time to process and approve the application. The application submittal will provide the following information:

A. Applications for special event permits shall be made on forms and in the manner prescribed by the Community Development Department.

B. The special event permit application and special event vendor's permit application shall include all of the following information and such other information as the Department deems reasonably necessary:

1. Name of person, business or organization.
2. Name of applicant and relationship to the person, business or organization.
3. Complete street and mailing addresses of each person, business or organization.
4. A brief description of the nature and type of the business or organization.
5. A list of chemicals or other hazardous materials or hazardous wastes which will be used or stored by the business.
6. The type of business entity. If the business or organization is a corporation or limited liability company, the state where formed and the statutory agent's name and address.

7. If a special event will be serving alcohol, the event will be subject to Town Code Section 12.12.070 Alcoholic Beverages, and Town Code Chapter 5.24 Liquor Licenses Generally.

8. List of officers/owners/managers of the business or organization, with their addresses.

9. The dates for the special event.

10. The state sales tax number.

11. The Federal tax identification number.

12. If the business specified in this chapter is subject to a certificate of health or sanitary examination, the applicant shall produce such certificate or permit from the Navajo County Health Department, as provided for in Arizona Revised Statutes, Title 36, Chapter 1, Article 2, and applicable Navajo County Ordinances, as amended.

13. Where any business specified in this chapter is subject to other Federal, State or local licensing, registration or permit requirements, i.e., professional, medical, technical, contractors, real estate, etc., the applicant shall produce such license, registration or permit from the appropriate Federal, State or local governmental authorities.

14. All businesses and special events specified in this chapter shall be subject to the Town Sign Regulations, Chapter 17.108. (Ord. 12-361 § 2; Ord. 02-206; Ord. 97-144 § 1(V(C)))

15. All special event applicants/event organizers will be required to provide a Certificate of Insurance, specifically stating the dates of the special event, for Commercial General Liability naming the Town of Pinetop-Lakeside as an additional insured. The minimum limits are \$1,000,000 per occurrence and \$2,000,000 aggregate.

#### **5.12.040 Special event plot plan.**

In addition to the requirements in Section 5.12.030, applicants for a special event permit may be required by the Administrator to submit three copies of an 11" X 17" plot plan, clearly indicating the following:

A. Exact site location and layout of the event.

B. Location and number of booth spaces, stalls or vending areas.

C. Location of temporary structures and temporary utilities necessary for operation.

D. Location and provision of toilets and other sanitary services.

E. Ingress and egress.

F. Fire and emergency vehicle access and 2006 International Fire Code compliance, where applicable.

G. Parking areas.

H. Signage.

I. Lighting.

J. Any additional information (i.e., security or traffic control plan) as requested by police or fire officials. (Ord. 97-144 § 1(V(D)))

#### **5.12.050 Special event permit application fee.**

Any person applying for a special event permit as required by this chapter shall submit an application along with an application fee, as established from time to time by resolution. (Ord. 12-361 § 3 (part); Ord. 02-206; Ord. 97-144 § 1(V(E)))

#### **5.12.060 Special event vendor's permit application fee.**

A "special event vendor's permit" shall be required for each vendor offering goods and/or services for sale at a special event. Any business located in the Town that possesses a current business license may obtain an annual vendor's permit at no charge. Any person applying for a special event vendor's permit as required by this chapter shall submit an application with proof of a State Transaction Privilege Tax License and demonstrating lawful presence in the United States in accordance with current A.R.S. § 41-

1080 along with an application fee, as established from time to time by resolution of the Town Council. Applicants may apply for a single event permit or an annual permit. Applications for "special event vendor's permits" shall be submitted to the Department for review and investigation at least ten (10) days prior to the commencement of the special event. It shall be the responsibility of the special event permit holder to ensure that all vendors participating in the event covered by the permit obtain a "special event vendor's permit." Failure to obtain the necessary "special event vendor's permits" shall be grounds for immediate revocation of the special event permit. (Ord. 12-361 § 3 (part); Ord. 02-206; Ord. 97-144 § 1(V(F)))

**5.12.070 Permit approval/denial.**

Upon receipt of an application, the Administrator or designee shall conduct the necessary investigation for the protection of public health, safety, welfare and overall public good, including confirmation of a State Transaction Privilege Tax License and demonstrating lawful presence in the United States in accordance with current A.R.S. § 41-1080. The permit application and any required plot plan must be referred to the applicable Fire District providing area fire protection and the Police Department. The Police Department may conduct a background check of local records on the applicant(s) for all special events. If, as a result of such investigation, any agency determines that the granting of the permit would be detrimental to the public health, welfare, or safety, the application shall be denied. If a special event permit application is denied, the reason(s) for the denial shall be given in writing within ten (10) days of the denial. The Department shall keep a record of special event permits issued for a period of two (2) years. (Ord. 12-361 § 3 (part); Ord. 97-144 § 1(V(G)))

**5.12.080 Location.**

It is unlawful for any special event to be located on public property within public right-of-way or within any portion of a public street, access lane, or public easement, without the express written permission of the owner and the Administrator. (Ord. 97-144 § 1(V(H)))

## **Chapter 12.12 TOWN PARKS**

### **Sections:**

- 12.12.010 Purpose.**
- 12.12.020 Applicability.**
- 12.12.030 Park hours.**
- 12.12.040 Rules of conduct.**
- 12.12.050 Vehicles.**
- 12.12.060 Boating.**
- 12.12.070 Alcoholic beverages.**
- 12.12.080 Advertising, entertainment, assembly.**
- 12.12.090 Soliciting, gambling, sale of merchandise prohibited.**
- 12.12.100 No Fires or burning.**
- 12.12.110 Reservations and permits.**
- 12.12.120 Park fees and charges.**
- 12.12.130 Enforcement and penalties.**

#### **12.12.010 Purpose.**

The purpose of this Chapter is to provide rules and regulations for the use of and conduct in the parks and recreation areas of the Town (referred to as "Town parks" or "parks" in this chapter).

#### **12.12.020 Applicability.**

This Chapter shall apply in all parks and recreation areas within the Town, unless expressly exempted. For the issuance of permits, authorizations, and the granting of approval for groups or other special uses of the Town parks (a "park facility permit"), the approving agency shall be the Town Parks and Recreation Department (the "Department").

#### **12.12.030 Park hours.**

From November 1 through March 31 the park hours are from official daylight to official sunset as defined by the National Weather Service. From April 1 through October 31 the park hours are from official daylight to 10:00 p.m. From November 1 through March 31 no one is allowed in the park after official sunset; from April 1 through October 31 no one is allowed in the park after 10:00 p.m., except during a scheduled Department activity or event, or with a park facility permit from the Parks and Recreation Department. (Ord. 07-296)

#### **12.12.040 Rules of conduct.**

A. The following rules of conduct shall apply to all users and persons who are within parks and recreation areas of the Town, including Woodland Lake Park which is federal land under permit to the Town from the United States Department of Agriculture, United States Forest Service.

1. Park use is available on a first-come, first-served basis except as needed for:

a. Leagues and Team Use. Parks and recreation areas may be reserved for Parks and Recreation Department scheduled or specially permitted events. These events may include little league baseball, youth soccer leagues, adult recreation league events, and other scheduled team uses or uses by the Department.

b. Other Group Use. All parties of one hundred (100) or more wanting to use Town parks shall be required to submit an application and get a park facility permit from the Parks and Recreation Department. The applicable fee(s) shall be paid at the time of application.

c. Use of Ramadas. A written application for a park facility permit to reserve a park ramada shall be made to the Department on forms approved by the Department. The applicable fee(s) shall be paid at the time of application.

d. Special Events. Refer to the Parks and Recreation Rules and Regulations.

2. Littering is prohibited. Each person or group is responsible for the cleanup of the area of the park which they use. Dumping of domestic or commercial trash also is prohibited. Domestic and commercial trash shall not be put into designated trash cans or containers, or otherwise left in parks. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

3. Children, eight (8) years old and younger, must be supervised by an adult while playing on parks playground equipment.

4. No overnight camping is allowed in the park. No overnight parking of recreational vehicles is allowed in the park without a Town permit. The Town will only permit 20 vehicles per park facility permit for overnight use.

5. No open fires or campfires are allowed in the park, except in the grills provided. Written requests for the use of other special fire containers shall be submitted to the Department, but may not be used without the written approval of the Department. Fire restrictions issued by the Town to help prevent wildfires may prohibit all fires, including the use of park grills, from time to time.

6. Possession, use or discharge of explosives, fireworks, firearms, rifles, pistols, revolvers, spring guns, B.B. guns, air guns, rockets, fireworks, slingshots, bows and other archery equipment or other similar weapons, arms or equipment is strictly prohibited in parks.

7. Hunting, trapping, catching, wounding or killing, or treating cruelly, attempting to catch, wound or kill, any bird or animal, molest or rob any nest of any kind or any lair or burrow of any animal is prohibited. No person may hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird.

8. Excessive noise or other disturbance of the peace is not permitted.

9. Dogs must be kept on a leash at all times in the park unless in a specifically designated dog park that allows off-leash use. Pets are subject to the Town's Animal Control Ordinance.

10. Fishing at Woodland Lake Park is governed by Arizona Game and Fish Department laws, rules and regulations. A valid Arizona fishing license with applicable stamps is required.

11. Glass containers including glass beverage bottles are not allowed in Town parks and recreation areas.

12. Marking, tampering with, destroying, damaging, injuring, disfiguring, defacing, displacing, removing or disturbing any natural or man-made feature tree, shrub, wildflower, public building, sign, structure, equipment or other property is prohibited. No person may damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area.

13. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountains, pond, lake, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of those waters.

14. Parks shall not be used for profit or gain unless specifically approved. No admission fee, event fee, donation or other cost for attendance at an event held in Town parks may be charged, collected or paid by any person or entity without the express, written permission of the Department.

15. Swimming is strictly prohibited in lakes, streams or other waters in Town parks.

16. All persons shall cooperate and shall maintain restrooms and washrooms in a neat and sanitary condition.

17. No person shall enter an area posted as "Closed" or "Closed to the Public."

18. No person shall engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.

19. Persons shall produce and exhibit any permit he or she claims to have, upon request of any authorized person who asks to inspect the same for the purpose of enforcing compliance with any ordinance, rule or regulation.

20. No person shall disturb or interfere unreasonably with any person or party occupying any park or recreation area.

**12.12.050 Vehicles.**

A. Maximum speed limit is fifteen (15) mph.

B. No vehicles are allowed inside of the park except on designated roads and in designated parking areas.

C. No person shall leave a vehicle standing or parked in established parking areas or elsewhere in the park and recreation areas during hours when the park and recreation area is closed. During a snow storm and for three days thereafter established parking areas in parks and recreation areas may be utilized for automobile and light truck parking only, but not by motor homes, trailers, recreational vehicles, or other vehicles of any kind. Large commercial size vehicles that can cause damage to parking areas may be excluded.

D. All-Terrain Vehicles ("ATVs") and other motorized off-road vehicles are not allowed in parks and shall not be used in parks unless such vehicle is licensed for street and road use by the Arizona Department of Motor Vehicles. Vehicles shall be operated only on paved roads, and shall be parked only in designated parking areas.

E. Parking is prohibited except in designated parking areas.

**12.12.060 Boating.** (No amendment to this section)

**12.12.070 Alcoholic beverages.** (No amendment to this section)

**12.12.080 Advertising, entertainment, assembly.**

A. No person shall post, paint, affix, distribute, deliver, place, cast or leave about, any sign, bill, billboard, placard, ticket, handbill, circular, or advertisement in Town parks unless it has been approved by the Department.

B. No person shall do any of the following without a permit:

1. Display any advertising signs or other advertising matter, provided that a sign attached to a vehicle to identify the vehicle, or a sign lawfully on a taxicab or bus, is not prohibited.

2. Operate for advertising purposes any musical instrument, soundtrack or drum.

3. Hold public assemblages of twenty (20) persons or more without a park facility permit.

4. Conduct exhibitions without a park facility permit.

5. Hold a parade without a park facility permit.

C. An event sponsored by the Town will not be required to have a permit.

**12.12.090 Soliciting, gambling, sale of merchandise prohibited.**

No person shall:

A. Sell or offer for sale any goods, services or other things in any park or recreation area, without a park facility permit and any applicable license.

B. Solicit alms or contributions for any purpose, whether public or private unless as part of an approved or permitted event.

C. Play any game of chance or have possession of any instrument or device for gambling.

D. Play, engage or take part in any game or competitive sport for money, or other valuable thing, without a written permit.

**12.12.100 No fires or burning.**

A. No open fires or campfires are allowed in the park, except in the grills provided. Written requests for the use of other special fire containers shall be submitted to the Department, but may not be used without the written approval of the Department. From time to time, fire restrictions issued by the Town to help prevent wildfires may prohibit all fires, including the use of park grills.

B. All fires and burning are further subject to Town Code, Chapter 8.04, regulations of the United States Forest Service in Woodland Lake Park and on other United States Forest Service land, and other federal, state and local laws, rules and regulations.

**12.12.110 Reservations and permits.**

A. Information about applications and park facility permits is available at the Town of Pinetop-Lakeside Parks and Recreation Department.

B. Reservations for scheduled events and park facility permits for parks and recreation areas may be obtained by application to the Department on forms provided by the Department. The following information shall be provided:

1. The name and address of the applicant.
2. The name and address of the person, persons, corporation or association sponsoring the activity; if any.
3. The day and hours for which the permit is desired.
4. The park or portion thereof for which the permit is desired.
5. Any other information reasonably necessary to a determination as to whether a permit should be issued hereunder.

6. Any requests for variances from park rules and regulations.

C. Standards for scheduling an activity or issuing an event/park facility permit shall include the following:

1. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park.
2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
3. That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
4. That the proposed activity will not entail extraordinary or burdensome expense or police operation by the Town unless the expenses or police costs are covered by the applicant.
5. That the facilities desired have not been reserved for other use on the date and hour requested in the application.

D. An applicant for a park facility permit may be required to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be required prior to the commencement of any activity or issuance of any permit.

E. Revocation. The Department shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.

**12.12.120 Park policies, fees and charges.**

Fees and Policies for parks use and security deposits to pay for damage and cleanup shall be set by resolution of the Town Council. Cleanup or damage costs which exceed the amount of the security deposit shall be paid by the applicant or responsible party for the event. Unpaid fees including excess fees

for cleanup or damages may be recovered by the Town by filing a civil lawsuit in the Pinetop-lakeside Justice Court, the Navajo County Superior Court or any other court of competent jurisdiction.

**12.12.130 Enforcement and penalties.**

A. The Town Police Department, the Code Enforcement Officer, and employees of the Parks and Recreation Department shall, in connection with their duties imposed by law, enforce the provisions of this Chapter.

B. The Town Police Department, the Code Enforcement Officer, and employees of the Parks and Recreation Department shall have the authority to order any person or persons acting in violation of this Chapter to leave the park or recreation area.

C. Violators of this Chapter may be cited using the uniform traffic citation form or any other form approved by the Chief of Police. The citation shall show the specific Section or Sections alleged to have been violated, a brief description of the violation, whether the citation is for a civil or criminal offense, and whether the violation is charged as a second, third or greater offense. If there is no designation of a second or greater offense, the citation shall be considered a first offense. For continuing violations, the dates or the number of days shall also be noted on the citation.

D. Violations of the following sections of this Chapter shall be charged on the first and subsequent offenses as a Class 2 Misdemeanor:

1. Sections 12.12.040.A.5, 6, 7, 13, 14, 15, and 19.
2. Section 12.12.070.A, B, and C.
3. Section 12.12.090.C, and D.
4. Section 12.12.100.A, and B.
5. Section 12.12.130.B.

E. Civil Violations. When a violation of this Chapter, except as set forth in section 12.12.130.D, above, is undesignated or designated a first offense by the enforcement officer or the Town Attorney, a person found to have been in violation of this Chapter shall be deemed to have committed a civil offense and shall be subject to a civil penalty of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500), plus restitution for personal injuries, property damage or any other economic loss suffered by any person(s) including the Town.

F. Criminal Violations. When a person convicted of a violation of this Chapter is a person who has been previously convicted of a violation of a provision of this Chapter within a period of twelve (12) months, the person shall be deemed to have committed a Class 2 Misdemeanor, pursuant to Arizona Revised Statutes, Title 13, Chapters 6, 7 and 8, as amended, and shall be subject to a fine of not less than Seventy-Five Dollars (\$75) nor more than Seven Hundred Fifty Dollars (\$750) for each violation or count, plus surcharges, fees and restitution for personal injuries, property damage or any other economic loss suffered by any person(s) including the Town.

G. Jail Time. No violator shall be subject to jail time for offenses charged pursuant to this Chapter, but this prohibition shall not apply to offenses designated as violations of Arizona Revised Statutes, the United States Code or other applicable laws.