

**Yavapai County Courthouse Park
Supplemental Rules and Regulations
As Amended 11/20/02**

These Supplemental Rules and Regulations are intended to assist in the interpretation and implementation of the Rules and Regulations for the Yavapai County Courthouse Park as set forth in County Ordinance 2002-2 ('the Ordinance') and amendments thereto.

Section 1. General.

A. Park Use Permit Required. A Park Use Permit application in the form specified by Yavapai County or its designee shall be submitted in accordance with the requirements of the Ordinance for any proposed Activity, Commercial Event or Non-Commercial Event as defined in the Ordinance, and shall be submitted not less than 30 days prior to the scheduled event.

- (i) Each application shall be accompanied by the appropriate Administrative Fee. No application shall be accepted without this fee. Except as otherwise specifically provided in the Ordinance or in these Supplemental Rules and Regulations, an Administrative Fee shall be required for each date that an applicant proposes to use the Plaza.
- (ii) Not more than one commercial permit will be issued for Plaza use on a given date or time. For purposes of this section, "Commercial" shall have the same definition as provided in Ordinance 2000-4.
- (iii) Permission to use the Plaza for a scheduled event or activity may be granted only by Yavapai County or its designee. Scheduled events or activities may be conducted only by the entity named on a valid Park Use Permit. Permitted entities shall have no authority to either sell, transfer, assume, broker or otherwise alienate permits to another person or entity or to take any other action which purports to grant permission to another entity to conduct a scheduled activity or event. Any action by a permitted entity in violation of this section shall be grounds for revocation of a current use permit or denial of applications for future permits.

B. Use of Courthouse Grounds. The following rules shall be in force at all times during all permitted activities on the Plaza.

- (i) Driving of motorized vehicles on the "I" blocks is expressly prohibited. Authorized vehicles (those which provide a service to or for Yavapai County) are exempted from this restriction.

- (ii) Benches and tables are for park visitors not for artist/vendor use.
- (iii) Nothing shall be affixed or tied by any manner to any tree or any part of the Gazebo. All items must be free standing. Attachment of items when determined to be necessary for safety and security by Yavapai County or its authorized representatives are exempted from this restriction.
- (iv) No stakes or any other objects shall be inserted into the ground at any location on the Courthouse Plaza.
- (v) All Permittees are requested to place their trash in dumpsters only, located at the southwest corner of the Courthouse. Public receptacles located on the Plaza area are not to be used for this purpose.
- (vi) No straw, hay or like product is permitted on the grass area. In the event of rain during a Major event, sponsors will be required to ensure that burlap only is used on the grass.
- (vii) Temporary structures shall be placed only on the paved performance area located generally between the Bucky O'Neill statue and the north steps of the Courthouse Plaza and shall not exceed 10' in height nor be more than 30' in width. No temporary structure shall protrude further than 25' from the top step which is located immediately adjacent to the Buck O'Neill statue and extending toward the Courthouse. A permit applicant may request a waiver of the size or location limits specified herein. Approval of any waiver request shall be in the sole discretion of the County or its designee. Waiver approvals shall be in writing and shall specify approved dimensions and/or locations and any other applicable conditions of approval. The County may require certification of the initial or on-going safety of any temporary structure in such manner that it deems appropriate including, but not limited to, a requirement that the proposed design of a structure be stamped by a licensed professional engineer acceptable to the County and/or that a completed structure be inspected by qualified inspector acceptable to the County. Any services required for compliance with certification requirements shall be provided at the sole expense of the applicant/permittee.

Section 2. Major Events

A. Major Event Sponsors: Requirements: An applicant for sponsorship of a Major Event shall:

- (i) Be a Yavapai County non-profit organization as defined by the Internal Revenue Service as provided in the Ordinance; and
- (ii) Be incorporated in the State of Arizona, and in good standing; and

- (iii) Provide documentation of the financial resources and fiscal controls required to properly operate and administer the Event; and
- (iv) Be able to demonstrate a benefit to Prescott/Yavapai County from its conduct of the Event; and
- (v) Have demonstrated prior successful experience in sponsorship of Courthouse Park Events to include organization and operation of Events as well as adherence to the Ordinance and Supplemental Rules and Regulations; or
- (vi) Have demonstrated successful experience in the sponsorship of events of like kind in other locations to include organization and operation of events as well as adherence to applicable ordinances, rules and regulations.

B. Permit Applications: Requirements. Use Permit Applications for Major Events, as defined in the Ordinance shall, in addition to other required items include the following:

- (i) A copy of the minutes of a scheduled meeting of the applicant organization confirming that a majority of the members of the governing body of the organization voted to approve submission of the application and to designate the person authorized to sign the Application on behalf of the organization.
- (ii) An Event Budget in a form specified by the County or its designee. Failure to provide such a budget shall be grounds for denial of an application or revocation of an approved application.
- (iii) A Parking Plan detailing how the Major Event Sponsor intends to work with downtown interests to address their concerns about parking for vendors/artists, and a description of how such a plan will be enforced. Adoption of a "master parking plan" approved by the Manager and the Major Event Sponsors shall constitute compliance with this requirement.

C. Application Processing. Absent good cause, decisions on applications submitted by October 1 for Events to be held during the following calendar year will be made no later than November 1.

D. Approval of Applications: Current Sponsors. A determination that a current non-profit Sponsor of a Major Event has conducted the Event in a competent and responsible manner including, but not limited to, adherence to the Ordinance and other applicable laws, rules and regulations and Parking Plan, and that there is no reason to conclude that the current Sponsor would not conduct future Events in a competent and responsible manner shall be sufficient grounds for approval of the current Sponsor's application for the subsequent year's Event. Decisions on the applications of current Sponsors shall be made no less than 30 days after a completed application absent compelling circumstances.

E. Post-Event Review: Early Application. Not later than two weeks following the conclusion of a Major Event, the County or its designee will meet with Event Sponsor for a post-Event review. If, following the review, it is determined that the Sponsor has conducted

the Event in a competent manner including, but not limited to, adherence to the Ordinance and other applicable laws, rules and regulations, and Parking Plan, the Sponsor will be authorized to submit an early application for the subsequent year's event. A decision on the application shall be made no later than 30 days after submission of a completed application.

F. Relinquishment of Sponsorship. If a current Sponsor of an approved Major Event desires to relinquish sponsorship of that Event, the Sponsor shall simultaneously provide written notice of intent to terminate to the Yavapai County Board of Supervisors and the Director or designee.

G. Event Date: Vacancy. In the event that an approved Major Event date becomes vacant due to a relinquishment of sponsorship as provided herein, a decision by the County or its designee to deny an application or revoke an approved application, or for any other reason, the Board of Supervisors may direct that the Event be removed from the approved Schedule of Major Events or direct that County-based non-profit organizations be invited to submit applications for use of the Courthouse Plaza for the time period allocated for the Event. Public notice of the invitation shall be given in the manner directed by the Board of Supervisors. Applications shall be evaluated in accordance with the criteria set forth in the Ordinance and the Supplemental Rules and Regulations. No new applications will be accepted for an approved Major Event until such time as the Event is declared to be vacant.

H. Permit Applications: Order of Submission. Except as expressly provided in these Supplemental Rules and Regulations, any application submitted prior to the deadline set forth in the invitation shall be eligible for consideration. Order of submission shall not be the sole factor in evaluating such applications.

I. Event Administration.

- (i) As defined in the Ordinance, space size shall be 10' x 15'. All booths within such space shall be positioned on the grass so as to be flush with the curbs. Allowances will be made for outside of booth storage if positioned not more than 2' from the back of the booth and not exceeding the length of the booth. Items so stored shall be placed on wood blocks, PVC pipe, open plastic crates, etc. to ensure full air flow to grass. Any booth exceeding 10' x 15', and the 2' storage, shall be considered a double booth and charged at that rate.
- (ii) All Major Events shall be juried by the Event Sponsor, both as to product and tent appearance. Sponsors shall ensure, to the best of their ability, that all products sold are hand crafted and not resale items.
- (iii) All food concessions must be located on the Gurley Street sidewalk.
- (iv) Each Major Event Sponsor will have the authority to reject or accept any additional activity that might be proposed during the Major Event Sponsor's approved dates.

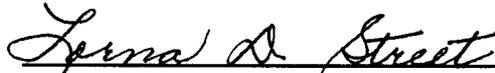
Section 3. Authority of Board of Supervisors

The Yavapai County Board of Supervisors reserves the right, in its sole discretion, to determine the number of events, if any, to be held on the Courthouse Plaza and to decline to authorize, or to cancel any event when determined to be in the best interest of Yavapai County.

The effective date of these Supplemental Rules and Regulations is November 20, 2002.

APPROVED this 20th day of November, 2002,

YAVAPAI COUNTY BOARD OF SUPERVISORS

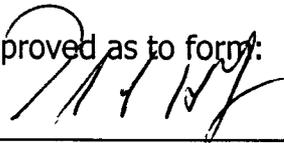


Lorna D. Street, Chairman

ATTEST:



Bev Staddon, Clerk of the Board

Approved as to form:


Dave Hunt, Board Counsel