

Yavapai County Ordinance 2002- 2 Courthouse Park Rules and Regulations Amending Ordinance 2000-1

Section 101. Definition:

- A. "Activity" means a scheduled function of a private, non-commercial nature including, but not limited to, parties, receptions, weddings, picnics or reunions where participation is limited to members of a particular family, group or organization or to invited guests.
- B. "Activity Permittee" means a person or organization who has been granted a Park Use Permit for an Activity as defined herein.
- C. "Applicant" means an applicant for a Park Use Permit for an Activity, Commercial Event or Non-Commercial Event as defined herein.
- D. "Board of Supervisors" means the Yavapai County Board of Supervisors.
- E. "Camping" means erecting a tent or shelter or arranging bedding, or both, for the purpose of, or in such a way as will permit overnight use.
- F. "Commercial Event" means a scheduled function of a public nature including, but not limited to arts and crafts shows, antique shows, concerts and theatrical and other performances where fees are charged to vendors or members of the public for participation and/or admission.
- G. "County" means the government of Yavapai County, Arizona
- H. "Courthouse Park" means the open space surrounding the Yavapai County Courthouse, Prescott, Arizona, as bounded by Cortez Street, Gurley Street, Montezuma Street and Goodwin Street and excluding the Courthouse Building.
- I. "Director" means the Yavapai County Facilities Director or a duly-authorized designee.
- J. "Event Sponsor" means the organization or individual who has been granted a Park Use Permit for a Commercial or Non-Commercial Event as defined herein.
- K. "Major Event" means a Commercial Event that occupies all or substantially all of the portion of the Courthouse Park designated for Events or Activities pursuant to this Ordinance and for which a Park Use Permit in excess of one day would be required.
- L. "Non-Commercial Event" means a function of a public nature, other than a Commercial Event, as defined herein, to which the public is invited as participants and/or spectators.
- M. "Temporary structure" means any form of truss, platform, tower, staging or other structure, other than dais, podiums, vendor tents, which is not intended to be permanently attached to the Plaza premises.

Section 102. Administration

The management of the Courthouse Park shall be vested in the Director or such other County employees

as the Director may designate. The Board of Supervisors may authorize managers or agents to act on the Director's behalf.

Section 103. Park Use

The Courthouse Park may be used for any lawful activity or gathering authorized by this Ordinance or by Supplemental Regulations. Uses shall be subject to the following restrictions:

- A. All uses of the Courthouse Park shall be in compliance with applicable federal, state or local statutes, rules regulations or ordinances.
- B. No Commercial Event, Non-Commercial Event or Activity shall be conducted on the Courthouse Park without a written Park Use Permit issued by the Director or designee.
- C. The consumption of Intoxicating beverages is prohibited.
- D. The operation of motorized and non motorized vehicles, bicycles and skateboards, on any portion of the Courthouse Park Including the Driveways without prior authorization by the Director is prohibited.
- E. The placement of any temporary structure is prohibited unless authorized in writing by the director and included in the written provisions of a valid park use permit. As a condition of approval of a use permit application pursuant to this section 103.e an applicant may be required to obtain additional insurance coverage, provide additional premises security and to comply with such other requirements as set forth in this ordinance or in supplemental regulations.
- F. The placement of any permanent structure is prohibited unless authorized by the Board of Supervisors.
- G. Vandalism or destruction of Courthouse Park property is prohibited.
- H. Camping within the Courthouse Park is prohibited
- I. Dog owners or handlers, except owners of Seeing Eye Dogs, shall clean up all litter created by the animal.
- J. The posting, placing or erecting of signs other than those authorized by the Director for park purposes is prohibited. Court and public documents may be posted in a location designated by the Director, or as ordered by the Superior Court. One location may be designated for local announcements. Temporary signs are allowed as attachments to temporary structures authorized pursuant to a valid Park use Permit.
- K. Activities which disrupt or interfere with the operation of the Courthouse or the maintenance/preservation activities of the County on the Courthouse lawn are prohibited.
- L. Car washes are prohibited.
- M. No Commercial Event, Non-Commercial Event, Activity or other lawful function held on the Courthouse Park shall be disrupted in violation of federal, state or local laws, rules, regulations or ordinances.
- O. Permittees shall remove from the Courthouse Park premises any and all temporary structures, equipment, or other items placed on the premises in connection with an event or activity within two hours of the conclusion of the event or activity or at another agreed-upon time to be specified in the approved park use permit.

Section 104, Permits

Applications for and issuance of Park Use Permits are subject to the following conditions:

- A. With the exception of Major Events as defined in Section 105, no Park Use Permit will be authorized for any activity or event in excess of one day in duration. Additional time may be allowed for early set-up and extended take down upon receipt of a written request setting forth specific timeframes and justification of need.
- B. Submission of Park Use Permit applications for Commercial and Non-Commercial Events shall be approved by the Event Sponsor and, if the Sponsor is an organization, shall be executed by a duly-authorized officer of the Sponsor. The Sponsor may designate an Event Coordinator who shall serve as the Sponsors representative with respect to the management of the Event.
- C. A Commercial Event Sponsor shall have been approved by the United States Internal Revenue Service for Section 501(c) non-profit status or shall have been otherwise recognized by the Internal Revenue Service as a non-profit organization. A Commercial Event permit applicant shall provide verification of IRS non-profit status or recognition in a form specified by the Director.
- D. Issuance of a Park Use Permit shall be expressly conditioned on the issuance of all other required city, state or county permits licenses prior to the date of the Activity or Event.
- E. Each Park Use Permit shall specify the Event or Activity and the date(s) and times for which it is issued. Issuance of a Park Use Permit shall not be construed to confer any preferential right or expectation upon the recipient with respect to any future use of the Courthouse Park or future sponsorship of any Event or Activity except to the extent that such future uses or sponsorships are to occur on those dates and times specified on the Park Use Permit. Future uses or sponsorships on dates not specified on the Park Use Permit will require submission of new applications in the manner provided in this Ordinance and Supplemental Regulations and will be processed in the manner provided for approval of applications for all Activities or Events.
- F. At the time of issuance of an application for Park Use Permit, an Event Sponsor or Activity -Permittee shall be provided a copy of this Ordinance and the Supplemental Regulations.
- G. Use Permits shall be issued to the first party submitting an application to conduct an Event or Activity on a given date. In the event that a conflict is determined to exist for a given date due to a previously-scheduled Event or Activity, the application shall be denied with written notice to the applicant.
- H. Unless otherwise provided in the Supplemental Regulations, no applications for Park Use Permits will be accepted prior to the first business day of January of the year in which the Event or Activity is to take place.
- I. Permit applications may be denied for Events or Activities to be held on dates which have been designated by the Director to be set aside for maintenance and preservation of the Courthouse Park premises or on such other dates as may be designated by the Board of Supervisors.

Section 105. Major Events

The Board of Supervisors, in its sole discretion, may limit the maximum number of Major Events to be held on the Courthouse Park in any given year, may designate certain Major Events to be authorized within that

maximum number and may add or delete specific Major Events. Designated Major Events shall be listed on a Courthouse Park Major Event Schedule. Inclusion of a Major Event on the Major Event Schedule shall not be construed to confer any preferential right or expectation upon any individual or group with respect to the sponsorship of that Event. Applications for sponsorship of Major Events shall be submitted annually in the manner provided in this Ordinance and Supplemental Regulations for applications for other Events and processed in the manner provided for approval of applications for other Events.

Section-106. Indemnification and Insurance: Damage Deposit

No Event or Activity shall be held on the Courthouse Park unless the Event Sponsor or Activity Permittee has complied with the following requirements prior to the scheduled date for the Event or Activity:

1. Event Sponsors and Activity Permittees shall agree to indemnify the County, and its officers, employees and agents for all claims, damages or other monetary losses, including attorney's fees, arising from the Event or Activity for which the Park Use Permit is issued.
2. Event Sponsors and Activity Permittees shall obtain and maintain all-risk insurance coverage of such kinds, and with such policy limits as may be determined to be necessary to protect the Sponsor or Permittee and the County and its officers, employees and agents against claims, damages or other monetary losses, including attorney's fees, arising from the Event or Activity for which the Park Use Permit is issued. Minimum policy limits, policy forms and other requirements shall be established by the Director subject to approval of the Board of Supervisors.
3. No later than 10 working days prior to the date scheduled for an Event or Activity, the Event Sponsor or Activity Permittee shall provide a damage deposit to the Director in such amount and in such form as may be established by the Director subject to approval of the Board of Supervisors. Within a reasonable time following the conclusion of the Event or Activity the damage deposit shall be refunded to the Sponsor or Permittee less any amount applied to repair damages arising from the Event or Activity. In the event damages occur that are in excess of the damage deposit on file, as determined by the director, permittee shall be billed for the additional amount of the damage.

Section 107. Booths and Displays

Placement of booths and displays on the Courthouse Park shall be subject to the following restrictions:

1. Conducting no commercial or non-commercial event (i.e., art/arts and crafts shows) in which the number of displays exceeds more than 174 10 foot by 15 foot booths or displays or their equivalent as approved by the Director.
2. No more than 27 booths or display spaces will be permitted allowed on the South Lawn Area.
3. No booths or display spaces will be allowed on walkways north of Buckey O'Neill Statue or the I Pavers around the Time Line. No more than a total of 6 booths or display spaces will be permitted in the lawn area.
4. No booth or display space will be placed in front of the Veteran's Memorial Statue.

Section 108. Supplemental Regulations.

The Director may establish Supplemental Regulations for use and operation of the Courthouse Park provided that such Regulations are not less restrictive than the provisions of this Ordinance. Supplemental

Regulations shall not become effective until approved by the Board of Supervisors.

Section 109. Administrative Review

Any person aggrieved by an initial determination with respect to application or interpretation of this Ordinance or Supplemental Regulations may submit a request for an administrative review of that decision within 5 working days of receipt of written notification of the determination. The administrative review shall be conducted by the director or a designee appointed by the county administrator. A written determination based on the administrative review shall be provided to the aggrieved party within 15 working days of submission of the request for administrative review.

A person aggrieved by the outcome of an administrative review may submit a request for review by the Board of Supervisors within 5 days of receipt of written notification of the outcome of the administrative review. The Board of Supervisors, in its discretion, may agree to review the matter or may decline to do so. In the event that the Board declines to review the matter, the decision made pursuant to the administrative review shall be final. If the Board agrees to review the matter, it shall conduct a hearing no more than 20 days following submission of the request for Board review. At the hearing the Board shall consider only that information that was part of the record of the administrative review and shall render a final decision no more than 15 days after the date of the hearing.

Section 110. Fees

The Director, with the approval of the Board of Supervisors may establish a Courthouse Park Fee Schedule to include all use fees, sales fee, inspection fees, permit fees, damage deposits or other necessary and appropriate fees and charges for use of the Courthouse Park.

Section 111. Violations; Penalties

Violations of the provisions of this Ordinance or Supplemental Regulations shall be subject to the following penalties:

- A. Violation of any provision of this Ordinance or Supplemental Regulations shall be grounds for revocation of any Park Use Permit issued hereunder and for denial of any future application for a park Use permit
- B. Any person violating any provision of Section 103 of this Ordinance is guilty of a Class 2 misdemeanor.

Section 112. Agreements with Other Governmental Entities.

Nothing in this ordinance shall be deemed to preclude the county from entering into agreements with other political subdivisions for the use of the courthouse park for public recreation, entertainment or other events for which no admission is charged.

Section 113. Usage of Words and Phrases.

Unless specifically defined herein, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give the regulation its most reasonable application.

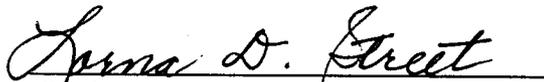
Section 114. Repealer and Effective Date

All prior rules and regulations governing the Courthouse Park are hereby repealed.

The effective date of the amended Ordinance is December 20, 2002

AMENDED AND APPROVED this 20th day of November, 2002.

YAVAPAI COUNTY BOARD OF SUPERVISORS


Chairman

ATTEST:


Clerk of the Board