ORDINANCE O2009-15

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CAVE CREEK, MARICOPA COUNTY, ARIZONA, REPEALING ORDINANCE O2009-11 AND AMENDING THE TOWN CODE, TITLE XI - BUSINESS REGULATIONS, BY ADDING CHAPTER 114 - SPECIAL EVENTS.

WHEREAS, pursuant to Title I, Chapter 10, Section 10.18 of the Cave Creek Town Code, if the legislative body shall desire to amend any existing chapter or section of the Town Code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

NOW, THEREFORE, be it ordained by the Mayor and Town Council of the Town of Cave Creek, Arizona, as follows:

Section 1. That Ordinance O2009-11, adopted by the Mayor and Town Council of the Town of Cave Creek, Arizona on October 5, 2009 is hereby repealed;

Section 2. That the Town of Cave Creek Town Code, Title XI, Business Regulations, is amended by adding Chapter 114, Special Events attached hereto as Exhibit 'A';

Section 3. Repeal of Conflicting Ordinances:
All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of any Code adopted herein by reference are hereby repealed;

Section 4. Severability:
If any section, subsection, sentence, clause, phrase or portion of this Ordinance of any part of a Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any Court or competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.
PASSED AND ADOPTED by the Mayor and Town Council of the Town of Cave Creek, Arizona this 2nd day of November, 2009.

Vincent Francia, Mayor

ATTEST:

Carrie A. Dyrek
Town Clerk

APPROVED AS TO FORM:

Clifford L. Mattice
Town Attorney
EXHIBIT 'A'

TOWN OF CAVE CREEK - TOWN CODE

TITLE XI, BUSINESS REGULATIONS

CHAPTER 114, SPECIAL EVENTS

A. PURPOSE:

The purpose of this Chapter is to provide a procedure for issuance of a Special Events 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.

B. GENERAL REQUIREMENTS:

1. A Special Event may be held on private property only if the property is located within a commercial zone or has an established primary commercial use. The Town Council may approve a Special Event on property where there is no established primary commercial use, if the Council determines 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. If there is a serious concern for public health, safety and/or welfare, the number of special events occurring concurrently may be limited by the Town.

2. A Special Event Permit is required for the following:

   a. Temporary Uses or Activities that include outdoor retail sales or display of goods or temporary structures when located on private commercial property involving more than ten (10) vendors; OR

   b. If the event requires off-site parking.

3. All Special Events, whether on public or private property, shall be limited to a maximum of four (4) consecutive days per event, unless a longer period of time is requested from and granted by the Town Council in advance.

4. Additional permits, licenses, taxes or regulations may be imposed by the Town Code.
C. DEFINITIONS:

**Special Event**: An organized event established for a period of time not to exceed four (4) consecutive days and which is open to the public and takes place on:

1. Public right-of-way, public property; OR
2. Private commercial property.

**Special Event Permit**: A permit issued by the Town of Cave Creek in accordance with this Chapter.

**Vendor**: An individual, group, institution, business or company that rents, leases or occupies a booth, tent or other temporary structure at a Special Event for the purpose of selling products made by the vendor or bought by the vendor and resold at the Special Event.

**Uses or Activities**:  
1. The following and similar Uses or Activities located upon public right-of-way or public property:
   
   a. Bicycle Races.  
   b. 5K - 10K Races and Marathons.  
   c. Parades.  
   d. Walk-a-thon.

2. The following and similar Uses or Activities located upon private property:
   
   a. Arts and Crafts Shows.  
   b. Farmers Markets.  
   c. Flea Markets.  
   d. Auctions  
   e. Carnivals  
   f. Concerts  
   g. Dances  
   h. Firework Displays  
   i. Horse Shows  
   j. Rodeos

D. SUBMITTAL REQUIREMENTS:

The application for a Special Event Permit shall include the following:

1. Completed Special Event application and fee. The fee for such permits shall be set by the Town Council by resolution.

3. Road Closure Permit.

4. Fire Department Approval.

5. Town of Cave Creek Business License.


7. Restroom Facilities, as required by Maricopa County Health Code.

E. PERMIT REVOCATION

1. A Special Event permit may be revoked by the Town Marshal for any of the following reasons:
   
a. Failure to conduct the Special Event as presented on the application.

b. Failure to comply with special conditions in the approval of the application.

c. If the event poses a threat to the public health, safety or welfare.

d. 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.

F. APPEAL

1. 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 (10) working days from the denial, revocation, or approval subject to conditions.

2. Upon receiving the written appeal, the Civil Hearing Officer shall set an appeal hearing in accordance with the provisions provided in the Town Code of the Town of Cave Creek Title III Administration, Section 31.28 Commencement of Enforcement Action on Civil Code Infraction.
G. 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. 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.

H. PENALTIES

1. 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 (1) year from the date of the event.

2. 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 Town Code of the Town of Cave Creek Title III Administration, Section 31.28 Commencement of Enforcement Action on Civil Code Infraction.