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FEB 24 2011

ORDINANCE NO. 4272

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING SECTIONS 32-1, 32-4.1(I) AND (N) OF CHAPTER 32 AND RELATED SECTIONS 20-3(C) AND (D) OF CHAPTER 20, CODE OF THE CITY OF CHANDLER, TO REDUCE THE REQUIREMENTS FOR THE SPECIAL EVENT VENDOR REGISTRATION PROCESS.

BE IT ORDAINED by the City Council of the City of Chandler, Arizona, that the Code of the City of Chandler is hereby amended as follows:

SECTION I. That Section 32-1 of Chapter 32, Code of the City of Chandler is hereby amended as follows:

32-1. - Definitions.

For purposes of this chapter, the following words, terms and phrases shall have the meanings respectively ascribed to them in this section:

Special event means any fair, parade, march, procession, festival, street dance, circus, carnival, concert, performance, rodeo, race, Christmas tree or pumpkin sales lot or other temporary activity using outdoor spaces and inviting public participation and patronage (with or without charge) whether held on public or private property. There are two (2) types of special events: civic events and commercial activities.

Civic event is any special event using or occupying public sidewalks, streets, rights-of-way, or other publicly owned property

Commercial activity is any special event using only private property.

Special events do not include block parties or private events to which the public is not invited or allowed to participate.

Parade means any parade, march, motorcade, organized bicycle or foot race ceremony, show, exhibition, pageant, or procession of any kind or similar display which does not intend/desire to comply with normal and usual traffic regulations or controls.

Sponsor means the person or group responsible for the special event to be held.

City Center is that area of the downtown located North of Frye Road, South of Chandler Boulevard, West of Delaware Street and East of Dakota Street and the San Marcos Golf Course. A number of large employers and destination locations such as retail businesses, San Marcos Resort, Public Library, Community Center, and City Offices are located in the City Center.

Special Event Vendor is any person or business participating as a vendor at a special event making sales subject to privilege tax only within the parameters of the special event, provided such special event is thirty (30) days or less in length, and the taxable gross revenue of such person or business from all sales within the City in a calendar year is less than five thousand dollars (\$5,000), and provided also that such person or business is not otherwise required to obtain a Chandler Transaction Privilege Tax License. The fee for Special Event Vendor registration shall be set by resolution.

Transaction Privilege Tax License: A license issued pursuant to the provisions of Chapter 62, Chandler Tax Code.

SECTION II. That Section 32-4.1 of Chapter 32, Code of the City of Chandler is hereby amended as follows:

32-4. - Review process.

32-4.1. Applications for all special events shall be reviewed by the Special Event Committee which shall approve, deny or conditionally approve such applications based on the requirements listed below and any other requirements imposed by this City Code or other law. The Special Event Committee may appoint one member or a subcommittee to review, approve, deny or conditionally approve special event-commercial activities and other smaller special events where all health and safety concerns have been addressed and may adopt uniform regulations for different types of special events.

The proposed special event:

- A. Shall not interfere or conflict with previously scheduled Special Events, construction, maintenance or other activities;
- B. Shall not interfere with the movement of police, fire-fighting or emergency medical equipment in route to a police, fire or emergency medical call.
- C. Shall not cause undue hardship to adjacent businesses or residents;
- D. Shall provide adequate security, crowd control, parking and traffic control measures and shall not substantially interrupt the safe and orderly movement of other traffic contiguous to the event. If applicant proposes to use City police officers for such measures, such use shall not interfere with adequate police and fire protection for the remainder of the City. Applicant shall pay in advance the full cost and expense of all city employees providing services for such special event. Applicant shall rent or otherwise obtain and pay for the appropriate number of street barricades.
- E. Shall provide a safe environment and not endanger participants or spectators. All events shall comply with the Fire Code requirements for outdoor carnivals and fairs. All vehicles

and equipment, commercial vendors and temporary facilities such as seating, tents, canopies or membrane structures or game booths shall meet fire safety regulations and must be approved by police and fire. Any pyrotechnic special effects materials, open flame devices, flammable or combustible liquids or gases shall conform to Fire Code requirements and must be approved by Fire Department as part of this process.

F. Upon determination of the Fire Chief, the applicant shall be required to provide fire standby personnel as specified in the Fire Code. Applicant shall pay in advance the full cost and expense of such fire standby services by City.

G. Shall provide general liability insurance with a company acceptable to the City and in an amount sufficient to cover the event. For all Special Events using public property, the insurance policy shall name the City as an additional insured. Applicants should contact the City's Risk Manager prior to submitting the Special Event application for assistance in determining the amount of coverage necessary for each Special Event. The applicant shall provide in a form acceptable to the City Attorney a written indemnification, indemnifying and holding the City, its officers and staff harmless.

H. Shall provide for refuse collection and removal. The applicant/sponsor shall provide the City with copies of executed contracts, the names of companies providing clean-up, trash removal, and toilet facilities. During and within twenty-four (24) hours of the conclusion of the event, applicant shall clean the event area, adjacent parking lots, landscaping, and right of way of all rubbish and debris, returning the area to its pre-event condition. Parades and other activities using city streets may be required to pay for street sweeping. Unless otherwise provided for to the satisfaction of City, applicant will be required to post a bond in excess of the estimated cost of refuse collection and removal services and to pay any costs incurred by City crews for additional cleanup;

I. Shall provide a Special Event Vendor registration or Transaction Privilege Tax License number for each participating vendor. Any vendor that does not register as a Special Event Vendor or provide a valid Transaction Privilege Tax License shall not be permitted to participate in the special event. Any qualified Special Event Vendor shall be exempt from the requirements of obtaining a transaction privilege tax license or transient privilege license and paying transaction privilege taxes imposed under Chapter 62, Chandler Tax Code.

A Special Event Vendor registration shall be valid only for the dates of the special event for which it is issued. Any person who participates as a Special Event Vendor at more than one special event shall complete a separate Special Event Vendor registration for each special event. At any time that the sales activities of a Special Event Vendor no longer conform to the definition, the transaction privilege tax exemption granted to such person or business shall automatically terminate, and such person shall be required to obtain a transaction privilege tax license and pay all transaction privilege taxes due under Chapter 62, Chandler Tax Code.

J. Shall provide adequate toilet and on-site water facilities. If the applicant intends to provide overnight accommodations for recreational vehicles and campers, applicant shall provide for waste disposal.

K. Shall comply with all health department regulations.

L. Shall provide on-site emergency medical services by the City Fire Department for any event anticipated to have a daily attendance of twenty-five thousand (25,000) or more and also such service as determined to be necessary due to special needs, conditions, or hazards. Applicant shall pay to City, in advance, the full cost of such services.

M. Temporary signs advertising special events, which signs are approved through this process, shall be exempt from other sign regulations of the City Code.

N. Shall ensure that all appropriate licenses and permits are displayed at the location where the participant conducts their activities. Vendors not in possession of the appropriate licenses and permits will not be permitted to participate.

SECTION III. That Section 20-3 of Chapter 20, Code of the City of Chandler is hereby amended as follows:

20-3. - Exemptions from this chapter.

A. The provisions of this chapter shall not apply to producers of agricultural products as defined in A.R.S. § 3-561, or to any members of the family or agents or persons in the service of the producer when the agricultural products are sold or disposed of on behalf of and for the benefit of the producer.

B. The terms of this chapter do not include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newspaper carriers delivering and selling newspapers from house to house or business to business, students on school class projects, nor to acts of merchants or their employees in delivering goods in the regular course of business except that all such persons shall be subject to the provisions of section 20-12. Nothing contained in this chapter prohibits any sale required by statutes or by order of any court or prevents any person from conducting a bona fide auction sale pursuant to law.

C. The provisions of this chapter do not apply to persons selling or displaying products, services or merchandise at trade shows, however, they may be required to obtain a privilege tax license.

D. The provisions of this chapter shall not apply to participants at special events permitted through Chapter 32, Special Events, provided all of their activities are limited to the area of the event, however, they may be required to obtain a privilege tax license.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 9th day of December, 2010.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and Council of the City of Chandler, Arizona, this 27th day of January, 2011.

ATTEST:

CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

CH for

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4272 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 27th day of January, 2011, and that a quorum was present thereat.

CITY CLERK

Published: