

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

SUBJECT: Amendment to Chapter 26 of the Goodyear City Code – Special Events and Amendment of Municipal User Fee Schedule

STAFF PRESENTER: Maureen Scott,
City Clerk
COMPANY
CONTACT:

RECOMMENDATION:

1. ADOPT RESOLUTION NO. 15-1703 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND TITLED “AMENDMENT TO CHAPTER 26 OF THE GOODYEAR CITY CODE – SPECIAL EVENTS AMENDING SECTIONS 26-1-2 DEFINITIONS; 26-1-6 GENERAL REQUIREMENTS AND TERMS; 26-1-7 SPECIAL EVENTS ON CITY PROPERTY; 26-2-1 PERMIT APPLICATION AND PROCESSING; AND 26-2-2 GRANTING OR DENYING SPECIAL EVENT APPLICATION”.
2. ADOPT ORDINANCE NO. 15-1322 AMENDING SECTIONS 26-1-2 DEFINITIONS, 26-1-6 GENERAL REQUIREMENTS AND TERMS; 26-1-7 SPECIAL EVENTS ON CITY PROPERTY; 26-2-1 PERMIT APPLICATION AND PROCESSING; AND 26-2-2 GRANTING OR DENYING SPECIAL EVENT APPLICATION OF CHAPTER 26 OF THE GOODYEAR CITY CODE – SPECIAL EVENTS; REPEALING ORDINANCE NO. 15-1317 AND OTHER EXISTING ORDINANCES OR PORTIONS THEREOF THAT CONFLICT WITH CHAPTER 26 OF THE GOODYEAR CITY CODE AS AMENDED; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CORRECTIONS OF SCRIVENERS ERRORS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
3. ADOPT RESOLUTION NO. 15-1704 AMENDING THE MUNICIPAL USER FEE SCHEDULE ADOPTED BY RESOLUTION NO. 10-1357 BY ELIMINATING THE SPECIAL EVENT PERMIT FEES AND PROVIDING FOR AN EFFECTIVE DATE.

PURPOSE:

To amend provisions in the Special Events Ordinance to eliminate regulations on certain types of events for which regulations are not needed and to amend other provisions in the Ordinance that have a deterrent effect on community events and gatherings that the Mayor and Council want to encourage and facilitate and to amend the Municipal User Fee Schedule to eliminate the Special Event Permit Fees.

BACKGROUND AND COMMUNITY BENEFIT:

As the City has grown, it has attracted larger and larger temporary outdoor events. These events have a number of potential benefits. Depending upon the nature of the event, these outdoor events can, among other things, promote the City and local business and promote a sense of community. However, these events also can cause increased demands on City resources and can create unreasonable and adverse impacts to neighboring property owners and businesses, City residents, and the general public. Accordingly, on June 23, 2014, the Mayor and Council of the City of Goodyear adopted Ordinance 14-1301 adding Chapter 26 of the Goodyear City Code (Special Events Ordinance) in order to balance these competing interests.

Briefly and broadly summarized, the current ordinance:

- Identifies what types of events will be regulated.
- Imposes requirements for the operation of special events.
- Sets out general procedures for the issuance of a special event permit, including the authorization to staff to impose conditions of approval.
- Authorizes the City Manager to administratively adopt additional rules, regulations, policies and procedures for the issuance of permits for special events and for the operations of special events.
- Provides authority for the City's Traffic Engineer to prohibit or restrict parking of vehicles along a street constituting a part of a route of a parade.
- Imposes additional requirements for events on City owned and/or controlled property.
- Sets forth conditions for the approval or denial of an application for a Special Event Permit.
- Sets forth conditions for the revocation of a Special Event Permit.
- Provides for an Appeals process for the denial of a Special Event Permit application, the imposition of any condition of approval and for the revocation of a Special Event Permit.
- Provides for the enforcement of the ordinance, including penalties.

The Special Events Ordinance provides necessary regulations that balance the competing interests at issue with community events. Nonetheless, since its adoption, concerns have been raised that the scope of the Special Events Ordinance may be unnecessarily broad, regulating events that did not generate unreasonable and adverse impacts to neighboring property owners and businesses, City residents, and the general public. Additional concerns have been raised that even for events that should be regulated, the Special Events Ordinance and the regulations promulgated thereto are overly broad and deter events community gatherings and organized activities the Mayor and Council want to facilitate.

On February 9, 2015, the Mayor and Council passed and adopted Ordinance 15-1317 temporarily suspending the application of the Special Events Ordinance until May 15, 2015 so that Mayor and Council could revisit the Special Events Ordinance to identify

any changes needed to achieve their goals. Following a public outreach process, on April 13, 2015, the Mayor and Council participated in a work session to consider changes to the Special Events Ordinance.

Following the Work Session on April 13, 2015, staff, pursuant to the discussions during the work session, prepared amendments to the Special Event Ordinance. These changes are reflected in Exhibit A attached to Resolution 15-1703. The proposed changes to the Special Events Ordinance that substantively change the ordinance are summarized below:

- ▶ Amendments to the definition of Special Events:
 - ▶ Rather than applying to any gathering, use, event or activity held in whole or in part outdoors that does exceed three consecutive days that has more than 50 people at the event, the special event ordinance will apply when there are 250 people at the event.
 - ▶ Events that involve outdoor amplified sound will no longer be considered by definition a special event. Under the revised ordinance, an event that involves amplified sound will only be a special event if the event meets any of the other criteria for a special event.
 - ▶ For events that are held wholly indoors and do not exceed three consecutive days, a special event permit will be required only if the location where the event is held is not zoned for the proposed use.
- ▶ Special Event Permit Fees, fees charged for processing special events applications will no longer be charged.
 - ▶ The elimination of the Special Event Permit Fee requires not only an amendment to the Special Event Ordinance, but an Amendment to the User Fee Schedule that Council previously adopted, which is being amended pursuant to Resolution 15-1704 being presented concurrently with the amendment to the Special Event Ordinance.
- ▶ The Special Event Ordinance includes a provision that allows for the waiver of other permit fees that might be required for a given event, such as fire permit fees, or building permit fees, held by 501(C)(3) non-profit corporations. Currently this waiver would apply to events involving less than 250 people. Because events with 250 people or less people will no longer be considered special events, this waiver provision would not apply to smaller events. The Special Events Ordinance is being amended to extend the waiver to any gathering, use, event or activity sponsored by 501(C)(3) non-profit corporation that are held in whole or in part outdoors that does exceed three consecutive days that have 250 people or less at the event.
- ▶ Under the current version of the Special Events Ordinance, insurance is required for any event that is held on property owned or controlled by the City, with the

City's risk manager having the authority to waive the insurance requirement. This section required insurance regardless of the nature of the event or the exposure to the City. This section of the ordinance has been revised so that insurance is only required if by the City. City staff will be working on regulations that identify when insurance is required. Until the regulations are implemented, the determination as to whether insurance is required will be done on a case by case basis and will be determined by the nature of the event and the exposure to the City for claims arising out of the event.

- ▶ The deadlines for submitting applications for special events is currently 30 days. The ordinance is being amended at the request of staff to extend the deadlines for special events. The City Clerk is asking that the deadline for processing special event applications be extended from 30 days to 45 days for events that do not involve the closure of public roadways. Although most special event applications can be processed within 30 days, the Clerk has encountered certain events that have required longer processing times because the event requires additional building or fire permits that have to be obtained before the special event application can be approved. Extending the deadline from 30 days to 45 days will provide the additional time needed. Street staff has requested that the application deadlines for intents involving the closure of all or part of any public roadway be extended even longer because of the amount of coordination and staff time that is required for these sorts of events. The application deadlines are being extended as follows:
 - ▶ For Special Events that do not involve the closure of all or any part of a public roadway, a Special Event application shall be filed at least 45 days before the day of the event.
 - ▶ For Special Events involving the closure of all or part of up to 10 kilometers of public roadways located entirely within the City of Goodyear, a Special Event application shall be filed at least 90 days before the day of the event.
 - ▶ For Special Events involving the closure of all or part of more than 10 kilometers of public roadways located entirely within the City of Goodyear, a Special Event application shall be filed at least 120 days before the day of the event.
 - ▶ For Special Events involving the closure of all or part of public roadways in multiple jurisdictions, a Special Event application shall be filed at least 180 days before the day of the event.
- ▶ Under the current version of the ordinance, a Special Event Permit is not issued until 7 days prior to the date of the event. For reviews completed prior to 7 days prior to the date of the event, preliminary approvals are issued. The ordinance is being revised so that Special Event Permits are issued as soon as the application

had been approved regardless of the length of time between the date of the approval and the event itself.

- ▶ Under the current version of the ordinance, the City Clerk has the power to process applications that are not timely received if, the Clerk, in his or her sole discretion, determines that an application can be processed prior to the date of the event. The ordinance currently provides that an application for a special event permit is to be denied if the application was not received at least 30 days before the date of the event and staff was unable to process the application prior to date of the event, which suggests there is an obligation to process untimely applications. To clarify that the processing of untimely applications is discretionary and to accommodate the changes in the application deadlines, the provision related to the declination of an application because it was untimely has been modified so that now an application may be denied if the application was not received within the time frames specified in the Special Event Ordinance.

Currently, the waiver provisions in the Special Events Ordinance applies only to 501(c)(3) organizations, which are organizations that are organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, education, fostering national or international amateur sports competition and/or prevention of cruelty to children or animals. During the April 13, 2015 work session discussion was held about expanding the scope of the current fee waiver provisions to the category of non-profit corporations under which the local chamber of commerce is organized.

Chambers of Commerce are organized as 501(c)(6) non-profit corporations. 501(c)(6) non-profit corporations typically promote business practices, business methods, and advance the interests of specific industries. Although some 501(c)(6) organizations have activities that are similar to 501(c)(3) organizations, such as educational programs, 501(c)(6) organizations are primarily geared toward promoting the business interest of companies, individuals or specific industries. Examples 501(c)(6) non-profit corporations include:

- Michigan Catastrophic Claims Association US
- PGA Tour, Inc.
- National Football League
- National Hockey League
- California Building Industry Association
- American Academy of Matrimonial Lawyers
- Conway County Legal Beverage Association
- Freedom Partners Chamber of Commerce Inc.

Unlike 501(c)(3) corporations, 501(c)(6) corporations are allowed to engage in substantial lobbying and/or political candidate endorsements. It has been reported that Freedom Partners alone raised and spent \$250 million on elections held in 2012.

If the Mayor and Council want to extend the waiver provisions to 501(c)(6) corporations, this would be accomplished by moving to:

Amend Ordinance 15322 as presented to amend Section 26-1-6(N) of Chapter 26 of the Goodyear City Code so that the waiver provision applies to “public schools and organizations that have obtained tax-exempt status under section 501(c)(3) or section 501(c)(6) of the Internal Revenue Code”.

PREVIOUS ACTIONS AND DISCUSSION:

A Work Session to discuss the adoption of a Special Event Ordinance was held on March 17, 2014. The Mayor and Council of the City of Goodyear approved Ordinance 14-1301 on June 23, 2014, adopting Chapter 26 – Special Events to the Goodyear City Code. On February 9, 2015, after concerns were raised that the Special Events Ordinance might be overly broad, the Mayor and Council of the City of Goodyear adopted Ordinance 15-1317 temporarily suspending the application of the Special Events Ordinance until May 15, 2015 so that Mayor and Council could revisit the Special Events Ordinance to address the concerns that had been raised. On April 13, 2015, following a public outreach process, the Mayor and Council participated in a Work Session to consider changes to the Special Events Ordinance.

FISCAL ANALYSIS:

Currently the City is charging Special Event Permit Fees as follows:

Special Event Permit Fee-Small (Less than 50 people)	\$20.00
Special Event Permit Fee-Medium (50-200 people)	\$40.00
Special Event Permit Fee-Large (Over 200 people)	\$80.00

Eliminating the permit fee will result in the decrease by an average of \$3,500- \$4,000 a year.

Permit Fees Received:

2013	\$3,180
2014	\$4,040

ATTACHMENTS:

Special Event Ordinance Amendment with Redlines

Resolution 15-1703

Exhibit A to Resolution 15-1702 titled “Amendment to Chapter 26 of the Goodyear City Code – Special Events Amending Sections 26-1-2 Definitions; 26-1-6 General Requirements and Terms; 26-1-7 Special Events on City Property; 26-2-1 Permit Application and Processing; and 26-2-2 Granting or Denying Special Event Application”

Ordinance 15-1322

Resolution 15-1704

Exhibit A to Resolution 15-1704