

YAVAPAI COUNTY ORDINANCE NO. 2014-_____

AN ORDINANCE OF THE BOARD OF THE YAVAPAI COUNTY BOARD OF SUPERVISORS GOVERNING THE OCCUPANCY AND USE OF THE YAVAPAI COUNTY COURTHOUSE PLAZA, PRESCRIBING PENALTIES FOR VIOLATIONS AND REPEALING ORDINANCE 2002-2.

Section 101. Short Title

This Ordinance shall be known and referenced as the “Yavapai County Courthouse Plaza Ordinance.”

Section 102. Compliance

Permission to enter, occupy, use or otherwise utilize the Yavapai County Courthouse Plaza Park (hereinafter the “Park”) shall be subject to the provisions of this Ordinance and all other applicable laws, ordinances rules, regulations and orders governing uses and other activities within the boundaries of the Park. Any person violating this Ordinance may be cited into a court of proper jurisdiction by a duly authorized law enforcement officer, and/or required to leave the Park.

Section 103. Definitions

- (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) “Board of Supervisors” means the Yavapai County Board of Supervisors.
- (C) “Camping” or “Camp” means the use of an area outdoors for living accommodation purposes, and shall include, but not be limited to, erecting a tent or other type of shelter, or laying down bedding material, or both, for the purpose of, or in such a way as will permit it to be used for living accommodation purposes or for sleeping purposes; or parking a trailer, camper or other vehicle for the foregoing purposes.
- (D) “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.
- (E) “County” means the government of Yavapai County, Arizona and its designated representatives.
- (F) “Courthouse Plaza Park” means the open space surrounding the Yavapai County Courthouse, Prescott Arizona as bounded by Cortez Street, Gurley Street, Montezuma Street and Goodwin Street, excluding the Courthouse Building.
- (G) “Designee” means a County employee, County contractor or other person authorized to oversee or administer activities and other uses of the Park and/or authorized to enforce the provisions of this Ordinance.
- (H) “Director” means the Director of the Yavapai County Facilities Department.
- (I) “Law Enforcement Officer” means any certified law enforcement officer employed by an Arizona law enforcement agency

- (J) "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.
- (K) "Permanent Structure" means any form of statue, plaque, sign or other object or structure which is intended to be permanently attached to or placed within the Park.
- (L) "Person" means any individual or individuals, corporations, firms, co-partnerships, clubs and all associations or combinations thereof.
- (M) "Temporary structure" means any form of building, truss, platform, tower, staging or other structure, other than a dais, podium, or vendor tent expressly authorized by an approved Park Use Permit, which is not intended to be permanently attached to or placed within the Park.

Section 104. Interference With Courthouse/Park Operations.

Activities or events which, in any manner, interfere with the operation of the Courthouse or maintenance/preservation activities within the boundaries of the Park are prohibited and shall immediately be discontinued upon order of the Director, a Designee, or a Law Enforcement Officer.

Section 105. Vandalism

No person shall disturb, deface, injure, destroy or remove any building, sign, marker, facility or any other structure, tree, shrub, fruit, flower, or any object of archaeological, geological or historical significance located within the Park.

Section 106. Restricted Areas.

No person shall enter, use or occupy any restricted zone within the Park which has been posted or otherwise designated as being closed or restricted to entry, use or occupancy by the Director or a Designee.

Section 107. Hours.

The opening and closing time for the Park or any portion thereof, shall be as established by the Director and posted on the Park premises. Uses of the Park shall be permitted only during hours during which the Park is open.

Section 108. Buildings and Structures.

- (A) Use of buildings or other structures within the boundaries of the Park shall be in accordance with this Ordinance and other applicable regulations. No person shall leave any Park structure or facility in an unclean or unsanitary manner, or destroy, damage, deface, remove or disturb in any manner any public building, sign, equipment marker or other structure or property within the boundaries of the Park.
- (B) No temporary structures shall be placed within the boundaries of the Park unless such placement is expressly authorized by an approved Park Use permit.
- (C) No permanent structure shall be placed within the boundaries of the Park unless placement is authorized by the Board of Supervisors prior to placement.

Section 109. Signs.

Posting, placement or erecting of any signs within the boundaries of the Park is prohibited unless authorized by an approved Park Use Permit or otherwise authorized by the Director or a Designee.

Section 110. Park Use Permit Required.

No scheduled Commercial Event, Non-Commercial Event or Activity or any other event or activity for which a Park Use Permit is required pursuant to this Ordinance or applicable regulations shall be conducted within the boundaries of the Park unless a Park Use permit has been approved for said event or activity.

Section 111. Disruption of Events or Activities.

No person shall disturb or disrupt any Commercial Event, Non-Commercial Event or other event or activity for which an approved Park Use Permit has been issued.

Section 112. Use of Facilities; Payment.

No person shall use or occupy facilities within the boundaries of the Park for which a use fee has been established unless the fee has been paid prior to said use unless alternative payment terms have been approved by the Director or a Designee prior to the use.

Section 113. Camping.

No person shall camp within the boundaries of the Park. "Camping" or "camp" shall mean the use of an area outdoors for living accommodation purposes, and shall include, but not be limited to, erecting a tent or other type of shelter, or laying down bedding material, or both, for the purpose of, or in such a way as will permit it to be used for living accommodation purposes or for sleeping purposes; or parking a trailer, camper or other vehicle for the foregoing purposes.

Section 114. Fires.

No person shall build, ignite or maintain, or allow to be built, ignited or maintained any outdoor fire within the boundaries of the Park without the written authorization of the Director or a Designee.

Section 115. Vehicles and Parking

(A) No motorized or non-motorized vehicles, including but not limited to, automobiles, trucks, motorcycles, "off-road" vehicles, bicycles and skateboards may be operated within the boundaries of the Park unless authorized either by an approved Park Use permit or otherwise by the Director or Designee.

(B) Parking spaces located within the boundaries of the Park are reserved and are not available for public parking. Persons parking in reserved spaces without authorization shall vacate the reserved space upon direction of the Director, a Designee, or a Law Enforcement Officer. Vehicles parked in any unauthorized parking zone, or vehicles parked in such a manner as to create a potential safety hazard or impeded the flow of pedestrian or vehicular traffic, may be removed at owner's expense.

Section 116. Rubbish and Litter.

(A) All garbage, rubbish, cans, bottles, broken glass and other litter shall be disposed of in receptacles designated for such purposes, or carried away and lawfully disposed of outside the boundaries of the Park.

(B) Draining or dumping wastes or refuse from any trailer, camper or other vehicle except in places or receptacles provided for such uses is prohibited.

(C) Using refuse containers within the Park to dispose of household or commercial garbage brought as such from private property is prohibited.

Section 117. Pets.

(A) Dogs, cats and other domestic pets shall be kept under physical restraint or on a leash not longer than six feet (6') in length while present within the boundaries of the Park. In the interest of public health and safety, the Director may designate certain areas as closed to all pets.

(B) A dog owner, or any person otherwise in control of a dog, other than a seeing eye dog, shall clean up all litter created by the dog within the boundaries of the Park.

Section 118. Creating a Nuisance Prohibited.

No person shall, within the boundaries of the Park, engage in fighting, violent or disruptive behavior, make unreasonable noise, use abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person, make any protracted commotion, utterance or display with the intent to prevent the transaction of the business of a lawful meeting, gathering or procession, refuse to obey a lawful order to disperse issued to maintain public safety in dangerous proximity to a fire, a hazard or any other emergency, or recklessly handle, display or discharge a deadly weapon or dangerous instrument.

Section 119. Arrest, Citation of Violators; Ejection from the Park.

(A) A Law Enforcement Officer shall have the authority to (1) arrest or cite any person violating any provision of this Ordinance or (2) order to leave and, as necessary, eject from, the Park any person who engages in any disorderly, unsanitary or disruptive behavior within the boundaries of the Park. A person ordered to leave or ejected from the Park shall be informed, in writing at the time of the order or ejection, of the designated period of time during which that person's reentry into the Park is prohibited. The designated period shall be no less than 30 days and no more than one year from the date of the order or ejection. A copy of the written notice shall be provided by the responsible law enforcement agency to the Director within 24 business hours of its issuance.

(B) A person who has been ordered out to leave the Park by a law enforcement officer pursuant to this Section shall immediately comply with said order.

(C) A law enforcement officer shall have the authority to seize any property, thing, contraband or device in the possession of a person arrested or cited pursuant to this Section as evidence of its use in violation of state or city laws, ordinances, rules or regulations within the boundaries of the Park.

(D) A person ordered to leave or ejected from the Park pursuant to this section may submit a written request for an administrative review of the order or ejection within 3 business days of issuance of the notice of order or ejection. The request shall state the specific reasons offered in support of revocation or modification of the order or ejection, and may include no more than 15 pages of additional material. The request shall be promptly reviewed by the Director or by a Designee. Within 3 business days of receipt of the request for administrative review the Director or Designee shall issue a written decision upholding, modifying or revoking the order or ejection.

Section 120. Firearms, Air or Gas Weapons, Bows and Arrows.

Possession and use of firearms or other dangerous or deadly projectile weapons or devices shall be in accordance with applicable statutes governing the possession and use of dangerous or deadly projectile weapons.

Section 121. Fireworks and Explosives

(A) No person shall possess fireworks or explosives or devices for such use of any kind within the boundaries of the Park unless authorized by a written permit approved by the Board of Supervisors.

(B) Any permitted use of fireworks or explosives within the boundaries of the Park shall comply with all applicable municipal, county, state or federal statutes, ordinances, rules or regulations governing the possession or use of fireworks or explosives.

Section 122. Soliciting.

It shall be unlawful for any person or group to within the Park solicit money or other things of value, or to solicit the sale of goods or services in an aggressive manner. "Aggressive Manner" means and includes either individually or as a group, intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent; or approaching or following the person being solicited, if the conduct is intended to or is likely to cause a reasonable person to fear bodily harm to oneself or another, or damage to or loss of property or the commission of a criminal act upon the person or property in the person's possession; or is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation; or continuing to solicit from a person within five feet (5') of that person being solicited after the person has made a negative response to such solicitation; or intentionally, knowingly or recklessly obstructing the safe or free passage of the person being solicited, or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation; or intentionally or recklessly using obscene or abusive language or gestures intended to or likely to cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person or property in the person's possession, or intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation. Acts authorized as an exercise of one's constitutional right to picket or legally protest, and acts authorized by a permit issued by the Director or Designee, shall not constitute obstruction of pedestrian or vehicular traffic.

No person shall sell, or offer for sale, any food, goods, wares, merchandise or liquids within the boundaries of the Park except by written permit issued by the Director or a Designee.

Section 123. Noise; Nuisance.

(A) No person shall cause or permit any loud noise or sound within the boundaries of the Park which creates a "nuisance by noise." For the purpose of this section, a "nuisance by noise" is defined as any sound which in volume or character would reasonably tend to disturb the peace of people who are legally occupying any portion of the Park or areas adjacent to the Park.

(B) Upon complaint by any person, the director or his designee shall investigate and determine if a noise nuisance exists as defined in subsection (A) of this section. If the director or his designee determines that a noise nuisance does exist, he shall inform the person in violation and order him to correct the situation to the extent that the nuisance is abated. If said person fails to abate the nuisance or further complaints are received, the director or his designee may, in his discretion, immediately cancel any permit issued for the Park and order the person and/or his employees, invitees, or guests to vacate the Park (Ord. 3533, eff. 10-10-1996).

(C) No person shall use or cause to be used a loudspeaker system or any other means of amplifying sound except by written permit issued by the Director or a Designee.

Section 124. Special Events and Activities.

Any scheduled events activities or public assemblies for which a reserved portion of the Park is required shall require an approved Park Use Permit and shall require compliance with all applicable regulations governing such uses.

Section 125. Violations Penalties.

(A) Any person violating this Ordinance is guilty of a Class 2 misdemeanor.

(B) Violations of the provisions of this Ordinance or any Supplemental Regulations governing events, activities or other uses on the Park shall be grounds for revocation of any Park Use Permit issued thereunder and/or denial of any future Park Use Permit application.

Section 126. Supplemental Regulations.

The Board of Supervisors may establish Supplemental Regulations governing the use and operation of the Park, provided that such regulations are not less restrictive than the provisions of this Ordinance.

Section 127. Repealer.

Yavapai County Ordinance No. 2002-2 is hereby superseded and repealed

Section 128. Effective Date.

This Ordinance, including the repealer contained herein shall be effective as of _____, 2013. .

Passed and adopted by the Yavapai County Board of Supervisors this ____ day of _____, 2014.

Rowle Simmons, Chairman
Yavapai County Board of Supervisors

ATTEST:

Ana Wayman-Trujillo, Clerk
Yavapai County Board of Supervisors