

**TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES**

Subject:	File Under Section:
TOWN FACILITIES USAGE	ADMINISTRATIVE

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Date: _____/S

1.0 POLICY

It is the policy of the Town of Prescott Valley to administer all of the various types of real and personal property in which it has an interest as a municipal corporation (including, but not limited to, lands and appurtenances inside and outside the Town limits) in such a way as to efficiently and effectively fulfill its mission.

2.0 PURPOSE

The purpose of this Policy is to provide sufficient guidance to Staff for the lawful, timely, effective, equitable, and consistent administration of the various types of real and personal property in which the Town has an interest. It is a secondary, but important, purpose of this Policy to strive for a degree of cost recovery that helps make Town facilities and services reasonably available to the greatest number of users.

3.0 APPLICABILITY

This Policy applies to all persons, firms, associations, organizations, partnerships, companies or corporations that desire to occupy or use any of the real and personal property in which the Town has an interest. This Policy shall not necessarily apply to events sponsored or presented (in whole or part) by the Town.

This Policy may be modified or superseded in particular circumstances by federal, state and county statutes, regulations and administrative orders, and by applicable deed grants, covenants and restrictions, agreements, leases, contracts, and licenses.

4.0 REFERENCES

4.1 Authority.

*A.R.S. §9-240 authorizes town councils to (among other things) control the finances and property of the municipal corporation.

*A.R.S. §9-494(A) authorizes towns to establish and maintain public parks, and acquire, hold or improve real property for that purpose.

4.2 Definitions.

***Commercial** means anything connected with buying and selling, trade and traffic, business or commerce, both for-profit and not-for-profit.

***Council** means the Common Council of the Town of Prescott Valley (including the Mayor)

***Department** means the Parks and Recreation Department of the Town of Prescott Valley.

***Director** means the Parks and Recreation Director of the Town of Prescott Valley.

***Facilities** include any combination of real and/or personal property in which the Town of Prescott Valley has an interest as a municipal corporation (including, but not limited to, lands and appurtenances inside and outside the Town limits) which may be occupied or used by persons, firms, associations, organizations, partnerships, companies or corporations.

***Joint Facility** means the structure situated on the Civic Center campus that includes Auditorium/Town Council Chambers, Crystal Room, and Viewing Terrace.

***Manager** means the Town Manager of the Town of Prescott Valley.

***Policy** means this Town Facilities Usage Policy and Procedures.

***Staff** means any one or more Town officers, employees or agents to whom the authority and/or responsibility of administering this Policy has been delegated by operation of law, by the Council, and/or by the Manager.

***Town** means the Town of Prescott Valley, a municipal corporation of Arizona, operating by and through its employees.

***Users** mean any and all persons, firms, associations, organizations, partnerships, companies or corporations that occupy or use any of the various types of real and personal property in which the Town has an interest as a municipal corporation (including, but not limited to, lands and appurtenances inside and outside the Town limits).

5.0 GENERAL REQUIREMENTS

- 5.1 Occupancy or use of the Facilities shall comply with applicable federal, state and local law and must be compatible with the purposes and intended uses of the Facilities as determined by the Town.
- 5.2 Town occupancy or use of the Facilities will generally have priority over other occupancy or use, except that the Town will honor permits, licenses and agreements issued or entered into under this Policy.
- 5.3 Facilities generally may not be occupied or used for commercial purposes without express Town permission.
- 5.4 Users assume full responsibility for any loss or damage sustained to the Facilities in the course of their occupancy or use. Users must immediately report to Staff any loss or damage that occurs to the Facilities.
- 5.5 Equipment and other personal property appurtenant to the Facilities may not be moved within or removed from the Facilities without authorization by Staff. If so authorized, the equipment shall be immediately returned to its original location, in the same condition in which it was found, upon conclusion of the event.
- 5.6 Users shall not place any equipment, furniture or other apparatus upon the Facilities that is not customary or reasonably necessary to the purposes and intended uses of said Facilities as determined by the Town, unless expressly authorized by Staff. Users shall promptly remove equipment, furniture or other apparatus upon the conclusion of an event unless the purposes and intended uses of the Facilities allow otherwise. Noncompliance with this requirement shall be grounds for rejection of subsequent permit applications.
- 5.7 In permitting the occupancies or uses described in this Policy, the Town may require any combination of liability waivers, contractual indemnification, and insurance coverage appropriate for the circumstances in accordance with the Town's risk management objectives.
 - A. The form of liability waivers and contractual indemnification shall be established from time to time by Staff, in consultation with the Town's insurers/risk managers.
 - B. The form and amount of insurance coverage (including whether the Town shall be named as an additional-insured) shall be determined in each instance by Staff, in consultation with the Town's insurers/risk managers.
 - C. Proof of insurance coverage shall be provided to Staff and routinely updated by Users applying for permits.
- 5.8 The total number of persons in attendance at any event in the Facilities shall not exceed the maximum capacity of the Facilities as determined by the Fire

Marshal, as specified in a permit, or as otherwise determined by the Town. A schedule of maximum capacities for all of the Town's amphitheaters, park ramadas and pavilions, and the Joint Facility Auditorium/Town Council Chambers, Crystal Room and Viewing Terrace may be obtained from the Department.

A. All hallways and exits of the Facilities shall remain accessible and unobstructed at all times in accordance with applicable Building and Fire Codes.

5.9 Supervision. Supervision and other care of children and vulnerable adults in the Facilities is subject to the prohibitions in A.R.S. Title 13, Chapter 36 (as amended). Users may not leave children or vulnerable adults (as defined by Arizona Revised Statutes) in the Facilities for extended periods of time as a substitute for child care or elder care.

A. Nothing herein shall preclude children or vulnerable adults from participating in scheduled programs or offered services in the Facilities without direct supervision of parents or guardians.

5.10 Security of the Facilities for Town officers, employees and agents, and for members of the general public, to the extent needed for the purposes and intended uses of said Facilities, is a priority. Staff may direct any person(s) occupying or using any of the Facilities designated by the Town as either limited forums or non-forums to take reasonable action (including, but not limited to, immediately leaving the Facilities) in any of the following circumstances:

A. Where Staff has reason to believe that such persons have violated federal, state, or local law while occupying or using the Facilities

B. Where Staff has reason to believe that such persons have violated this Policy or the conditions set forth in licenses, permits, or agreements issued under this Policy, while occupying or using the Facilities.

C. Where Staff has reason to believe that such persons have used speech or exhibited behavior that causes other reasonable persons to be in fear for their own safety, the safety of third-persons, or the safety of property.

D. In the event any of the Facilities must be evacuated for any reason (e.g. emergencies, fire alarm, fire drill, etc.).

E. Where a User is found in the Facilities at any time other than those times authorized for public use.

F. Where a User is found to occupy or use the Facilities that have been declared "closed" by competent authority and so posted (unless expressly authorized by Staff). This includes Users that operate motorbikes, motorcycles or other motor vehicles on trails, cross-country, or on primitive unsurfaced roadways in the Facilities that have been posted, signed or barricaded to prohibit such occupancy or use.

- G. Where a User occupies or uses the Facilities without having first paid the fee, rental, admission or similar consideration established for such use.
 - H. Where a User is found to be disturbing, harassing, or interfering with any person or party properly occupying or using the Facilities.
- 5.11 Staff may immediately terminate any scheduled event in the Facilities due to reasonable evidence of disorderly conduct, vandalism, or other criminal misconduct by Users of the Facilities.

6.0 SPECIAL REQUIREMENTS

- 6.1 Alcohol. No “spirituous liquor” as defined in A.R.S. §4-101(32) (as amended) may be sold, served or consumed in the Facilities without a separate permit issued by the Council in accordance with Town Code §10-02-060 (as amended).
- A. Users who desire to sell spirituous liquor in the Facilities must also obtain a special event liquor license from the Arizona Department of Liquor Licenses and Control pursuant to A.R.S. §4-203.02 (as amended) and must furnish licensed, bonded and insured security guards or off-duty police officers to provide security during the event. The Police Chief or his/her designee shall determine and specify the security requirements for each proposed event.
 - B. The Town assumes no duty or obligation to supervise the dispensing of spirituous liquor at the event for which the permit is obtained, and the Town expressly disclaims any responsibility or liability therefor.
- 6.2 Animals. No domesticated animal or wildlife, other than service animals as defined in A.R.S. §11-1024, shall be permitted in the Civic Center buildings without the express consent of Staff, nor shall they be permitted to be “at large” in the Town parks or recreation areas. All non-service animals and wildlife shall be restrained by a cage or a leash of not more than six (6) feet in length and of sufficient strength to control the animals or wildlife at all times while in Town parks or recreations areas. Animals participating in shows or classes approved by Staff or contained within a Town maintained off-leash facility are exempt from this requirement provided that the animal is accompanied by and under control of its owner or handler. The provisions of Town Code Chapter 6, §10-02-040, and §13-21-150 (as amended) apply to the handling and location of animals in the Facilities.
- A. Individuals with disabilities who use service animals, as defined in A.R.S. §11-1024(J)(5) (as amended), shall be permitted entry into the Civic Center buildings if the work or tasks performed by the service animal are directly related to the individual’s disability. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks as set forth to A.R.S. §11-1024(A) (as amended).

- B. The owner or person in custody of a dog shall immediately pick up all dog droppings (fecal matter), place them in a closed or sealed container, and deposit them in a trash receptacle or remove them from the Facilities. This requirement shall not apply in the case of service animals.
 - C. Users shall not leave, place or distribute food of any kind in any of the Facilities for the purpose of feeding wildlife.
- 6.3 Artwork Displays. Artwork that complies with this Policy is permitted in the Facilities and may include items owned or provided by the Town, by Staff, and/or by Users. Artwork displays may be prepared directly by Staff as part of Town activities, operations and programs; provided by Users as part of Town-sponsored events, partnerships and programs; provided by Users in accordance with separate agreements with the Town; and/or provided by Users under programs established from time to time by Council-appointed boards and commissions (expressly including the Free Exhibition Program administered by the Arts and Culture Commission “Free Exhibition Program”).
- A. All artwork displays shall generally comply with the Town Arts and Culture Assessment prepared from time to time by the Arts and Culture Commission (and approved by the Council) per Town Code §18-01-030(B) (as amended).
 - B. Selected artwork displays must be appropriately framed, assembled, and wired for hanging in integration with any display systems provided by the Town. If displays will not be hanging, Users must provide free-standing display cases/stands/pedestals. Easels are not permitted. Any protective covers must be Plexiglas in order to avoid danger from breakage. Displays may not take up more than the space(s) assigned. Installation is subject to oversight by Art Advisory Committee members (or designees). Art displays must be delivered and removed at the times specified, and the Town reserves the right to remove any displays not timely removed and to temporarily store (and eventually dispose of) the same at the Town’s sole discretion. Users are responsible for the reasonable cost to repair any damage to the Facilities as a result of installation and removal of artwork displays.
 - C. The Town will provide such information boards for artwork displays as it determines, in its discretion, are appropriate. Such information may include (but is not necessarily limited to) title, artist name, medium, description, and any availability for purchase. The Town may also provide public notification of the artwork display with exhibition dates and times, in its sole discretion.
 - D. The Director (or his designee) shall serve as agent for artwork displays made available for sale. Such displays will only be sold at the price designated by Users. Twenty percent (20%) of sale proceeds shall be retained by the Town for use towards Town arts and culture programs. Users shall pay any applicable taxes from their share of the proceeds.

Displays sold during the exhibition period must remain on site for the duration of the exhibit but will be labeled as “sold”.

- E. The Town reserves the right to photograph and/or have photographed any artwork displays for promotional and/or record-keeping purposes.
- F. Spaces within the Facilities for the Free Exhibition Program shall be designated from time to time by the Manager (or his designee). Artwork displays may be located in these spaces for up to thirty (30) days (or for a total of sixty (60) days at the discretion of the Director if no subsequent artwork display is scheduled for that space). The Director may, after reasonable notice, shorten the exhibition period if the Manager (or his designee) removes the space from the Free Exhibition Program for any reason.
 - 1. Users wishing to place artwork displays in the Free Exhibition Program spaces must submit a complete application on the form available from the Department or online at www.pvaz.net. Selections will be made by the Art Advisory Committee on a first-come, first-served basis within thirty (30) days after receipt of a complete application. The Committee’s discretion as to selection will be guided by applicant’s compliance with this Policy as well as considerations of artistic merit, degree of general public interest in the subject matter and medium, importance as a record or reflection of the times or of the community, residency of the artist, and consistency with the mission of the Arts and Culture Commission. Items of high value, extreme delicacy, or that create an unsafe environment will generally not be selected.
 - 2. Users whose artwork displays are selected for the Free Exhibition Program will be required to acknowledge in writing that a risk of damage, loss, vandalism or theft is inherent in such public displays, and must expressly indemnify and hold the Town harmless for, from and against any liability for loss related thereto. Users shall further acknowledge that the Town has no obligation to provide insurance coverage for the artwork displays, or to provide special security during the exhibition period.
- G. All artwork displays in the Facilities must comply with the following requirements:
 - 1. not be obscene, pornographic or inappropriate for minors.
 - 2. not violate the Establishment Clause of the 1st Amendment of the U.S. Constitution.
 - 3. not be defamatory.

4. not tend to incite or produce any imminent lawless act or disrupt the orderly operation of the Facilities.
5. not be integral to criminal conduct or in violation of other applicable law.
6. not infringe on intellectual property rights (e.g. copyright, patent, trade or service mark).
7. not be an invasion of privacy.
8. not constitute harassment under Title VII of the Civil Rights Act of 1964.
9. not constitute a physical hazard or public nuisance.

H. In permitting artwork displays in the Facilities, the Town does not accept responsibility for ensuring that all points of view are represented in any particular display. Granting of permission for particular artwork displays does not imply Town endorsement of their content or message, nor does the Town ensure the accuracy thereof.

6.4 Bicycles, Roller Blades, Scooters, Skates & Skateboards. Except as provided for in Town Code §10-02-045 (as amended) or expressly authorized herein, no User shall operate bicycles, roller blades, scooters, skates, skateboards, or any similar vehicle or rolling device (motorized or non-motorized) in or on any portion of the Facilities.

A. Bicycles (and similar) may be operated on streets, roads, paths, trails, curbs, gutters, and sidewalks so long as operators comply with the requirements of A.R.S. Title 28 and Town Code Chapter 11 (as amended).

6.5 Bulletin Boards. Unless otherwise specified herein, bulletin boards located in the Facilities are strictly reserved for Government Agency Postings or other uses by Town officers, employees or agents. Town departments may adopt specific policies for bulletin boards located in their particular areas.

A. The following bulletin boards located in the Facilities are available to the public for Public Information postings only:

- Outside Conference Room 331, Civic Center building
- Inside the CASA Senior Center building

1. "Public Information" is information and/or literature created by educational institutions, other government agencies, entities involved with Town-sponsored events, or area non-profit organizations.

2. All material to be posted to the listed Public Information bulletin boards must first be approved by Staff. Postings shall be no larger than 8½" x 11" unless otherwise specified by law.
 3. Posted material may remain on Public Information bulletin boards for a maximum of three (3) weeks unless otherwise specified by law. Any and all material remaining upon completion of the 3-week period is subject to removal by Staff.
 4. The Town reserves the right to remove, without prior notice, any material it determines to be in non-compliance with this Policy.
- 6.6 Decorations, Pictures & Signs. No decorations, pictures, placards, signs or similar items shall be affixed in any manner to any wire, window, wall, screen, post, pole, panel, fence, door, or similar in the Facilities without the express approval of Staff. At the conclusion of events, Users shall remove all thumbtacks, tape, staples, adhesives, and similar used to apply approved decorations, pictures and signs.
- A. The placement of signs (permanent or temporary) in any portion of the public right-of-way shall only be in accordance with Town Code Article 13-23 (as amended).
- 6.7 Electioneering. No person shall solicit Town officers, employees or agents, or Users of non-forum Facilities for contributions, signatures, or other support for candidates, issues or causes. Nothing herein shall preclude the use of limited forum Facilities for electioneering and other political purposes in compliance with all of the provisions of this Policy.
- A. Town Code Article 13-23 (as amended) applies to the placement of signs in the Facilities for political purposes.
- 6.8. Flyers/Handbills/Newspapers. No advertisements, announcements, brochures, cards, flyers, handbills, magazines, newspapers, or similar shall be deposited or displayed for public viewing or distribution in racks, receptacles, or other outlets or locations inside non-forum and limited forum Facilities except those published by federal, state, or local government agencies.
- A. No commercial advertisements, announcements, brochures, cards, flyers, handbills, magazines, newspapers or similar are permitted to be deposited or displayed for public viewing or distribution on any motor vehicles located in the Facilities.
- 6.9 Food, Tobacco and Similar.
- A. The service and consumption of food and beverages (except for water) are generally not permitted within the Facilities unless otherwise expressly authorized. However, food and beverages in and around concession and food dispenser areas are approved and Staff may provide other approvals for specific events. Nothing herein shall preclude service and consumption of food in employee break areas and reasonable

consumption of food and beverages in offices used by Town officers, employees and agents.

- B. The use of tobacco (as defined in A.R.S. §36-601.01 (as amended)) and vaping through the use of e-cigarettes in all the Facilities and Town vehicles is strictly prohibited. In accordance with A.R.S. §36-601.01, use of tobacco is prohibited a minimum distance of twenty (20) feet from any entrances, windows and ventilation systems in order that persons entering or leaving the building or facility shall not be subjected to breathing tobacco smoke (and so that tobacco smoke does not enter the building or facility through entrances, windows, ventilation systems or any other means).
 - 1. A conspicuous sign shall be posted at each entrance clearly stating that smoking and vaping is prohibited and indicating where complaints regarding violations may be registered. No ashtrays shall be placed in areas where smoking is prohibited.
- 6.10 Light. Light levels in the Facilities shall at all times comply with the requirements of Town Code §10-01-120 and Article 13-26a (as amended).
- 6.11 Noise. Noise levels in the Facilities shall at all times comply with the requirements of Town Code §10-01-070 (as amended). Music volume emanating from the Facilities shall be kept at reasonable levels at all times. In no event shall music be permitted to emanate from the Facilities after 10:00 p.m. unless express authorization has been provided by the Director or authorized designee.
- 6.12. Parking, Loading and Unloading. Parking, loading and unloading is permitted only in designated areas (unless otherwise expressly authorized by Staff).
- 6.13 Weapons. Town Code Article 10-04 (as amended) and A.R.S. Title 13, Chapter 31 (as amended) apply to the carrying and discharge of deadly weapons (defined in A.R.S. §13-3101, as amended) in the Facilities.
 - A. In accordance with A.R.S. §13-3102(A)(10) (as amended), Users may not carry deadly weapons into the Facilities after a reasonable request by Staff to remove the weapons and place them in Town custody for temporary and secure storage pursuant to A.R.S. §13-3102.01 (as amended).
 - B. Town Code Article 10-04 (as amended) and A.R.S. §13-3108(E)(5) (as amended) prohibit the discharge of firearms in the parks.
 - C. In accordance with applicable orders of the Arizona Supreme Court, the Yavapai County Superior Court, and/or the Prescott Valley Magistrate Court, no deadly weapons of any kind are permitted in the Magistrate Court Room while Court is in session (except those carried by Peace Officers while on duty).
- 6.14 Prohibited Activities.

- A. Users shall not tether, launch or land hot air balloons, nor take off or land in helicopters or other forms of aviation within the Facilities except in cases of emergency (or unless expressly authorized by Staff).
- B. Users shall not operate motorized/non-motorized remote control devices including, without limitation, model airplanes, model boats, model cars, model trucks, model helicopters or incendiary model rockets in the Facilities (unless expressly authorized by Staff).
- C. It is unlawful to build fires in the Facilities except in fireplaces, stoves, grills, or other designated places (unless expressly authorized by Staff).
- D. Facilities may not be used or occupied for mechanical repair or maintenance of vehicles including, but not limited to, automobile oil changes and engine tune-ups (except in the case of an emergency when vehicles transporting Users to the Facilities have become inoperable).
- E. The use, discharge or ignition of fireworks, consumer fireworks, display fireworks, and permissible fireworks (defined in A.R.S. §36-1601, as amended) is strictly prohibited in the Facilities.
 - 1. Nothing herein shall preclude the Town from sponsoring a public fireworks display in the Facilities in accordance with Town Code §10-01-030 (as amended).

7.0 PERMITS / LICENSES

7.1 Generally.

- A. Except as otherwise provided in this Policy, Users desiring to reserve any Facility shall first obtain a permit from Staff. All Users applying for such permits shall be at least eighteen (18) years of age. The permit required herein shall be in addition to any other permit required by Arizona Revised Statutes, Town Code, or other laws and regulations. The issuance of a permit hereunder does not relieve Users from the responsibility to comply with all other laws, regulations or legal requirements applicable to the events being permitted. Failure to comply with other laws, regulations or legal requirements shall be grounds for denial or revocation of a permit, as applicable.
- B. Users shall submit to Staff an application to reserve one or more of the Facilities prior to the event on a form provided by Staff. Staff may request such additional information from Users concerning the Facilities use, arrangements, special services, or other information (as may be deemed reasonably necessary by Staff to fully evaluate the application).
 - 1. All applications shall be reviewed on a first-come, first-served basis.
 - 2. Users shall submit to Staff a special event application pursuant to Section 7.2 herein for all events where seventy-five (75) or more

persons will be in attendance (unless the Director determines that the nature of the event requires a permit other than a special event permit).

3. Applications to reserve the Facilities for uses other than special events as defined in Section 7.2 shall be submitted fourteen (14) days prior to the scheduled event.
 4. The Town assumes no responsibility for any damages incurred as a result of double bookings and/or mistakes regarding dates and times of reservations.
- C. Applicants are classified as either “Residents” (Users that reside or transact business primarily within the corporate boundaries of the Town) or “Non-Residents” (Users that reside or transact business primarily outside the corporate boundaries of the Town).
- D. Users shall pay the required permit fees and charges (established from time to time by Council resolution) on or before the date specified by Staff. The reservation may be cancelled if the permit fees and charges are not timely received by Staff.
- E. Permit applications may be denied when Staff has reasonable grounds to believe that (as proposed) -
1. The event would create a substantial likelihood of damage to the Facilities, or injury to persons attending the event or members of the public near or about the area where the event is to be conducted.
 2. The event would unduly interfere with the normal activities and general use and enjoyment of the immediate area by the general public or create substantial likelihood that the traffic or noise attendant with the event would be disruptive or offensive to those businesses or residents situated adjacent to the requested Facilities (or that would violate the provisions of Town Code §10-01-070 (as amended));
 3. The size, magnitude or anticipated attendance at the proposed event is unsuitable for the requested Facilities;
 4. The event would unduly interfere with other events being conducted during the same time at the Facilities on or adjacent to the requested Facilities;
 5. Applicants have a history of failing to comply with the terms and conditions of a permit or the other conditions of the Facilities use;

6. Applicants have failed to provide required insurance and indemnification documentation within the time specified by Staff;
 7. The event conflicts with another previously scheduled event;
 8. Applicants owe a past-due balance to the Town for services provided to Applicants.
- F. If, for any reason, the scheduled event is cancelled, permit holders shall receive a full refund of all fees and charges paid by them (except for any and all fees submitted to the Arizona State Liquor Board for a special event liquor license), provided the event is cancelled not later than five (5) business days prior to the reserved date (unless otherwise expressly authorized herein). If the event is cancelled less than five (5) business days prior to the reserved date, permit holders shall forfeit all fees and charges (except for any cleaning/damage deposit).
- G. An issued permit will describe the event, including the dates and times, and will include all applicable terms and conditions that Staff deems to be reasonably necessary to protect the health, safety, or general welfare of the public during the event. The permit will be signed by Staff and shall be carried by permit holders during the course of the event.
- H. Permit holders shall supervise all activities related to the permit. One or more of them shall be present at the reserved Facilities at all times during the hours of approved use. At no time during the scheduled event shall the Facilities be left unattended by permit holders. Permit holders are responsible for the conduct and actions of all persons attending their permitted events.
- I. Permit holders may be required to appoint chaperons to supervise groups comprised mostly of persons under the age of 18 and to otherwise maintain the order and propriety of events. Such chaperons shall not be active participants in scheduled events.
- J. Permit holders may be required to provide licensed, bonded and insured security guards and/or off-duty police officers to supervise events where the nature of the event or the anticipated number of attendees requires such supervision (as determined by the Director). In such case, permit holders shall consult with the Police Chief or his/her designee as to the specific security requirements for each proposed event.
- K. Permit holders may be required to pay a cleaning/damage deposit in accordance with fees and charges set from time to time by Council resolution. Any cleaning/damage deposit shall be due at the time an application is submitted. At the discretion of Staff, cleaning/damage deposits may be required for special events or special uses even if such a deposit is not outlined in the existing fee structure. Additionally, Staff may waive cleaning/damage deposit requirements upon a determination that special circumstances have removed the need.

1. If, at the conclusion of the permitted event, Staff determines that the Facilities have been fully restored to their original condition, Staff shall refund the entire cleaning/damage deposit to permit holders within ten (10) business days from the conclusion of the event. If permit holders fail to sufficiently clean and restore the reserved Facilities to their original condition, Staff shall retain the cleaning/damage deposit to cover the costs associated with cleaning and restoring the Facilities.
 2. If Staff retains a cleaning/damage deposit, permit holders will be provided with a written statement (within 10 business days) setting forth the reasons for withholding the deposit. If the cost to restore the Facilities exceeds the cleaning/damage deposit, permit holders will be required to pay the additional amount. If permit holders refuse to pay any required additional amounts, permit holders shall be precluded from future use of the Facilities until such time as the additional amounts are paid in full.
 3. In the event a dispute arises concerning the costs of cleaning and restoring the Facilities or any other matter related to the administration of the cleaning/damage deposit, permit holders may notify the Manager who shall then resolve the dispute. The determination of the Manager shall be final.
- L. Users' occupancy and use of the Facilities under a permit shall be confined to the area specified in the permit.
- M. All permits shall be revocable for cause by Staff upon a finding of a violation of this Policy, of the Town Code, of Arizona Revised Statutes, or of other applicable rules or regulations.

7.2 Special Events.

- A. Special events such as carnivals, circuses, contests, exhibitions, fairs, motion pictures, musical events, performances, plays, radio broadcasts, shows, spectacles, television broadcasts, etc. (which generally include one or more of the following: public announcements and advertising, sound amplification systems, sale or giving away of food, refreshments or like articles to the general public) may not be held in the Facilities unless a special event permit is first obtained from Staff.
1. Applications to reserve the Facilities for special events shall be submitted at least thirty (30) days (Private), sixty (60) days (Public Community Event), ninety (90) days (Sports Tournament), or one hundred eighty (180) days (Facility Allocation) prior to the scheduled event.
 2. Users applying for a special event permit where food items will be dispensed to the public must provide to Staff a copy of a valid

permit obtained from the Yavapai County Health Department authorizing Users to dispense such food items.

3. Non-profit organizations applying for a permit to use the Facilities for charitable fundraising events may apply for a full or partial waiver of applicable fees, charges and conditions to the extent that the same is provided for by Council resolution. Such applications shall include a financial report together with a statement of projected receipts and planned disposition thereof.
4. If, for any reason, the scheduled special event is cancelled, permit holders will receive a full refund of all fees and charges paid by them (except for any and all fees submitted to the Arizona Liquor Board for a special event liquor license, which are non-refundable), provided that the event is cancelled no later than seven (7) business days prior to the reserved date (unless otherwise expressly authorized herein). If the special event is cancelled less than 7 business days prior to the reserved date, the permit holder shall forfeit all fees and charges (except for any cleaning/damage deposit).

7.3 Vendors/Concessionaires.

- A. Vendors/concessionaires who wish to occupy or use any portion of the Facilities for sales shall apply for a permit from Staff.
- B. Vendors/concessionaires who wish to occupy or use any portion of any other facility for sales shall apply for a license agreement from the Council.
- C. Vendors/Concessionaires shall comply with all Town peddler/business licensing provisions in Town Code Articles 8-01 and 8-02 (as amended), as well as with Town Transaction Privilege and Use Tax requirements in Town Code Chapter 8a (as amended).

8.0 SPORTS LEAGUES / TOURNAMENTS

8.1 Sports Leagues – Ongoing Facility Allocation.

- A. Bona fide sports leagues and similar private organizations requiring extended use of lighted and unlighted athletic fields may participate in the Ongoing Facility Allocation and Reservation Program (“Allocation Program”) administered by the Department.
- B. Organizations desiring to participate in the Allocation Program shall submit a written request to the Department no later than the second Tuesday in December prior to the proposed beginning of the season. Requests received after the above deadline will be considered on a “space available” basis.

- C. Participating organizations must send a representative to the Allocation Meeting scheduled by the Director on the first Wednesday of October of each year in order to remain eligible to participate in the Allocation Program.
1. The participating organization or its designated representative shall inform all members of its board, general members, coaches, assistants, volunteers, parents/guardians, and players of all of the rules, regulations, conditions, terms and limitations regarding the use of and conduct on the requested fields/facilities.
- D. The Director or authorized designee will determine the Facility allocations for any season or year. Disputes about the Director's allocation may be taken to the Manager for resolution. The decision of the Manager is final.
1. If two (2) or more organizations request the same facility, preference will be given to the organization that services the higher percentage of Town residents.
 2. Depending upon the season or time of year, certain lighted and unlighted athletic fields may not be available.
 3. By accepting a Facility allocation, organizations (as Users) agree to indemnify, defend, and save harmless the Town, its officers, employees and agents for, from and against damages resulting from loss due to accident, injury to persons (including death), and/or injury to property because of the actions of said organizations related to the Facility allocation.
 4. No later than fifteen (15) days prior to the beginning of the season for which the facility has been allocated, Users shall secure (and furnish proof thereof to the Town) a policy or policies of insurance coverage in the form and amount(s) that shall be determined by Staff in consultation with the Town's insurers/risk managers (pursuant to Section 5.7 above). All required certificates of insurance naming the Town as an additional insured shall also be provided to the Director with the proof of insurance.
 5. Fees and charges, if any, established by Council resolution shall be paid no later than fifteen (15) days prior to the beginning of the season for which the facility has been allocated. Organizations may receive a full refund of fees and charges if their representatives cancel the reservation no later than thirty (30) days before the beginning of the season for which the Facility has been allocated.
 6. The Facility allocation applies to the use of athletic fields, lights, and basic amenities (including bases and pitching rubbers).

7. The use of fields is limited to those activities included in the original request and in the subsequent Facility allocation.
- E. Unless specifically permitted as part of the Facility allocation, organizations shall not charge admission, sell tickets, take collections, sell items or services, or otherwise engage in fundraising in the Facilities.
 - a. To engage in fundraising activities, organizations must request permission from the Director in their initial request and must comply with Town requirements (including, without limitation, obtaining federal and/or state non-profit status, a state sales tax license, and a Town special event license...and providing proof thereof in the request).
- F. Failure to comply with this Policy and applicable laws may result in cancellation of the Facility allocation and forfeiture of the organization's opportunity to use the Facilities in the future.
- G. Organizations shall designate a representative (at least 18 years of age) and an alternate representative (at least 18 years of age) to act as liaison between the organization and the Department. The Department will communicate only with designated representatives regarding any and all matters related to the permit or Facility allocation.
- H. Proof of the Facility allocation, along with a designated organization representative, shall be on-site throughout the time that the Facilities are being occupied or used.
- I. Organizations are responsible to leave the Facilities in a clean, neat condition. If the Town must provide cleaning services following the reserved activity, the organization will be charged an additional fee and may be denied future use of the Facilities.
- J. No spirituous liquor may be sold, served or consumed in the allocated Facilities without the permits required in Section 6.1 of this Policy. Organizations obtaining permits for the sale, service or consumption of spirituous liquor shall be subject to the security requirements of Section 6.1(A) of this Policy.
- K. No apparatus or equipment shall be located on athletic fields without the express approval of the Director. All approved apparatus or equipment shall be removed by the organization from the Facility immediately at the conclusion of each event. If approved apparatus or equipment is not immediately removed, the organization shall pay additional costs incurred by Staff to remove the apparatus or equipment. Such costs may be deducted from the deposit paid by the organization at the discretion of the Director.
- L. Private vehicles shall not be driven or parked on turf surfaces, sidewalks, service driveways, or emergency zones, and only parking lots may used

for loading and unloading (unless otherwise expressly authorized by Staff).

- M. Throwing, hitting, and tossing balls (soft toss) or any object against fence is strictly prohibited.
- N. Organizations shall use best management practices to determine whether rain or inclement weather poses any safety hazards to participants or observers. Organizations shall be solely responsible for declaring conditions unsafe due to inclement weather and for halting all activities accordingly.
 - 1. At the discretion of the Director, athletic fields may be temporarily closed if rain or inclement weather has rendered any field unusable or if the Director determines that use of any field during such weather events would result in damage to the fields or the Facilities.
- O. Organizations are responsible to turn on and off all athletic field lights using keys or remote access provided by Staff. A deposit in the amount of fifty dollars (\$50.00) shall be paid by the organization to the Department for each key loaned to the organization.
 - 1. Organizations shall turn off all athletic field lights no later than 10:15 p.m. each evening the Facility is used.
 - 2. In the event an organization fails to turn off the athletic field lights after any use, the organization shall pay to the Department any and all amounts due for unnecessary use of the lights.

8.2 Sports Tournaments – Facility Allocation.

- A. Bona fide sports leagues and similar private organizations requiring use of lighted and unlighted athletic fields (and the related Facilities) for occasional tournaments may participate in the Tournament Facility Allocation and Reservation Program (“Tournament Program”) administered by the Department.
- B. The administration of the Tournament Program shall be the same in all respects to its administration of the Allocation Program, except –
 - 1. Tournament requests shall be submitted no later than ninety (90) days prior to the proposed starting date.
 - 2. Athletic fields are available for the Tournament Program from 8:00 a.m. to 10:00 p.m., Monday through Sunday.
 - 3. No league or organization may reserve more than six (6) days on the sports calendar for tournaments under the Tournament Program.

4. Tournament dates are not transferable.
5. Tournament directors must notify Staff of all tournament details no later than four (4) business days prior to the beginning of the tournament, including (but not limited to) the number of teams, daily start/finish times, type of tournament, and number of athletic fields to be used. Failure to comply with this requirement may result in cancellation of the tournament.
6. In addition to any other fees and charges set from time to time by Council resolution, tournament organizers shall also pay a deposit fee set by resolution.
 - a. Tournament organizers shall leave the Facilities in a clean, neat condition. If the Town must provide cleaning services following a tournament, the organization will forfeit the deposit and may be subject to an additional cleaning charge as needed to cover actual costs. Organizations may also be denied future occupancy or use of athletic fields.
7. Sale of food, sporting goods, and/or souvenir items is permitted as part of the tournament Facility allocation, subject to the Town's right to contract for concessions at any tournament. If the Town exercises such right, no conflicting concession sales may be made by the organization.
 - a. Organizations selling food, sporting goods, and/or souvenir items at tournaments shall obtain and provide proof of federal and state non-profit status, a state sales tax license, a permit from the Yavapai County Health Department, and a Town special event license.
8. Organizations are responsible for all items brought into the Facilities during tournaments. They are also responsible for the conduct of tournament staff, participants, and spectators, and for tournament administration (including, but not limited to, money handling, equipment storage, field supervision, and customer service).
 - a. Organizations are expected to be responsive to concerns raised by adjacent neighborhoods, and to take reasonable steps to mitigate those concerns.
9. Any and all decisions rendered by Staff in relation to tournament Facility allocations shall be final (both on and off-site).
10. The distribution of field lighting shall be managed by the Department.

9.0 NON-PROGRAMMED / NON-COMMERCIAL OCCUPANCY OR USE

9.1 Town Services and Programs.

- A. Programs and services offered or sponsored by the Town, in whole or in part, receive first scheduling priority for the Facilities (followed by programs and services offered by local schools and local youth organizations).
- B. Users wishing to participate in Town services and programs must comply with all conditions established by the Department including (without limitation) making application to participate, paying required fees and charges, executing required liability waivers and/or indemnification contracts. Users failing to comply with conditions established by the Department may be barred from participating in Town services and programs.
 - 1. Where Town services and programs are provided by independent contractors, the conditions of participation may be established by the contract between the contractor and the Town.

9.2 Non-Programmed Recreational Use.

- A. General restrictions related to occupancy or use of Town parks are found in Town Code Article 10-02 (as amended).
- B. Users wishing to occupy or use portions of Town parks, park pavilions, ramadas and similar Facilities for the following non-programmed recreational uses must first obtain a permit from Staff (subject to applicable fees and charges).
 - 1. Picnics, outings or gatherings consisting of twenty-five (25) or more persons.
 - 2. Any request to reserve any park, park pavilion, ramada, or portion thereof for a certain person or group of persons to the exclusion of others.
 - a. Completed applications to reserve pavilions and ramadas together with all required deposits must be submitted in person to the Department. The balance of all required fees and charges shall be paid at least two (2) days prior to the date of the event (fourteen (14) days prior to the event if payment is by personal check) to guarantee the reservation of the pavilion or ramada. If the required fees and charges are not timely paid, the reservation will be cancelled and the facility made available to other Users.

- b. Reserved occupancy or use of parks, park pavilions, ramadas or other facilities shall have priority over non-programmed use of the said Facilities.
- 3. Any event involving use of park lights. No User shall activate or use park lights without written permission from Staff.
- 4. Any event involving the use of athletic fields.
 - a. A permit to use athletic fields applies only to the use of athletic fields and lights. It does not include apparatus and equipment (e.g. bases and pitching rubbers). An applicant may request to use apparatus and equipment for an additional cost (and subject to the provisions of this Policy related to apparatus and equipment).
 - b. Fields are rented “as is” and the use thereof is limited to those activities included in the original request (and in the subsequent permit).
 - c. At the discretion of the Director, athletic fields may be temporarily closed if rain or inclement weather has rendered any field unusable.
 - d. Users shall be solely responsible for determining whether rain or inclement weather poses any safety hazards to participants and/or observers (and for halting all activities accordingly).
 - e. Staff shall be responsible to turn on and off all athletic field lights for non-programmed use of athletic fields.
- C. Parking, loading and unloading shall only be permitted in designated areas unless otherwise expressly authorized by Staff.
- D. The sale of food, beverages and/or merchandise in parks is prohibited unless specifically authorized by the Director or authorized designee.
- E. It is unlawful to collect, remove, destroy, mutilate, damage or deface any natural resource, including (but not limited to) all live and dead vegetation and all parts thereof, wildlife, soil, rocks and water...except as otherwise provided by law or as authorized by Staff.
- F. It is unlawful to litter, deposit, or abandon in or on any park, parkway or recreational facility any garbage, sewage, refuse, trash, waste, or other obnoxious materials (except in receptacles or containers provided for such purposes). The receptacles or containers are not to be used for residential or commercial trash disposal.
- G. A maximum speed of five (5) miles per hour for motor vehicles shall be in effect in parks and recreation areas at all times.

- H. Only Town vehicles, employees and volunteers may use parks and recreation service roads unless express authorization is otherwise provided by the Director (or authorized designee).

9.3 Mountain Valley Park.

- A. Mountain Valley Splash. Mountain Valley Splash may be rented by Users in accordance with the fees, charges and conditions established by Council resolution (and in accordance with any Operations Procedures or Manuals established from time to time by the Department).
- B. Mountain Valley Park (“MVP”) Amphitheater. In addition to the provisions set forth in this Policy for special events and use of athletic fields, MVP Amphitheater may be reserved for large events pursuant to license agreements between Users and the Town. The license agreements will expressly establish the terms and conditions for use of the MVP Amphitheater and shall control in the event a license agreement conflicts with any provision of this Policy.
 - 1. MVP Amphitheater may be reserved by contacting the Department. Upon receipt of a reservation request, a license agreement will be prepared defining all rental terms and conditions. Applicants will have a maximum of ten (10) days to sign and return the license agreement with the required deposit. If the executed license agreement and required deposit are not received within 10 days, the reservation will be cancelled and the Facility made available to other Users.
 - a. One hundred percent (100%) of applicable rental fees are payable as a deposit upon execution of a license agreement. First-time licensees will also be required to prepay special service fees at least 10 business days prior to their event.
 - b. Upon receipt of an executed license agreement, the Director will meet and/or communicate with the licensee as necessary to determine needs. All fees for special services will be determined at that time.
 - c. Certain events require a cleaning/damage deposit that will be retained by the Department for a minimum of twenty-four (24) hours after the conclusion of the event (until the Facilities inspection is completed). Licensees will be charged for any cleaning costs/damages and the deposit will be used to cover all or part of the charges. If the deposit doesn’t fully cover all cleaning costs/damages, licensees will be responsible to pay the balance.

- d. Account balances for special service fees or cleaning costs/damages that remain unpaid thirty (30) days after an event will be subject to an annual finance charge of twenty-percent (20%) and other delinquency fees established by Council resolution. Users/Licensees whose accounts are past-due will be restricted from reserving any facility until the balance is paid in full.
 - e. At least fifteen (15) calendar days prior to the event, Users/licenses shall secure (and furnish proof thereof) a policy or policies of insurance coverage in the form and amount(s) that shall be determined by Staff in consultation with the Town's insurers/risk managers pursuant to Section 5.7 of this Policy.
2. Reservation guarantees cannot be given more than six (6) months in advance of the event date.
 3. The Director reserves the right to schedule similar types of events a minimum of 30 days apart to ensure the success of all events held in MVP Amphitheater (and to allow time for field surface regeneration).
 4. All signs to be located in the MVP Amphitheater premises must comply with the requirements in Town Code Article 13-23 and Section 10-01-130 (as amended). Users/Licensees must obtain the Director's approval as to the method of hanging or attaching any sign. No self-adhering signs are permitted on any surface. Staff will remove, at Users/licenses' expense, any unauthorized signs.
 5. Any power needs beyond the standard electric utility service provided in MVP Amphitheater must be secured by Users/licenses (with the permission of the Director) and are the sole financial responsibility of Users/licenses.
 6. Unless paid for through special service fees, Users/licenses are solely responsible for waste disposal, facility clean-up and restroom facilities. These services must be approved by the Director as to appropriateness and location.
 7. The Town may provide water for certain events through special service fees that must be paid by Users/licenses.
 8. Wind screening must be placed on perimeter fencing for major events to ensure security and to promote ticket sales. Unless paid for through special service fees, Users/licenses shall be solely responsible for such screening.
 9. The Town shall have the sole right to operate or arrange for food and beverage concessions at all MVP Amphitheater events and

to retain all proceeds thereof. Users/Licensees may request to operate their own food and beverage concessions and, if such request is approved by the Director, shall pay to the Town a percentage of the gross receipts from the concession sales at a rate established by Council resolution. Users/Licensees shall also obtain all required permits (including, but not limited to, a permit from the Yavapai County Health Department) and be solely responsible to pay for all fees and charges required to obtain the permits.

10. Users/Licensees must obtain the Director's approval to operate or arrange for concessions other than food and beverages and must adhere to any requirements imposed by the Director. Users/Licensees must pay to the Town a percentage of the gross receipts from the concession sales at a rate established by Council resolution.
 - a. Only those concession items that are primary to the purpose of the event (e.g. merchandise from exhibit booths at private trade shows) are exempt from the requirement to pay to the Town a percentage of the gross receipts. Items secondary to the event (e.g. t-shirts, tapes, books, etc.) are expressly not exempt.
11. Users/Licensees desiring to give away promotional food and beverage items must obtain the Director's approval. Sample food items must be limited to "bite size" and liquids must be limited to no larger than a four-ounce cup (ice cream and frozen desserts being considered a beverage item).
12. All events parking within Mountain Valley Park is free and non-reserved. Users/Licensees must arrange for any additional parking at their own expense (subject to the approval of the Director).
13. Deliveries, set-up and move-out may only occur at the times designated in the license agreement. Set-up or move-out activities are not permitted during show/event hours or while attendees are permitted on the premises. The Director must approve any overnight parking.
 - a. Any materials remaining at the conclusion of the move-out times will be considered abandoned and will become the property of the Town (subject to disposal at the Town's option).

10.0 FORUMS

10.1 Public Forum Facilities.

- A. The Town respects and supports the constitutional right of free speech. Members of the public are welcome to use the Facilities which are public forum areas (generally public streets, sidewalks and parks...unless otherwise designated), including those areas outside the buildings in the Civic Center campus identified on the map attached to this Policy as Appendix A) for expressive activities (subject to the time, place and manner of use restrictions described in this Policy). The following regulations are designed to facilitate expressive activities while protecting the public's right to use and enjoy said public forums, protecting the Town's ability to conduct necessary business activities in the Facilities without interference, and enhancing the safety of all parties involved.
1. Expressive activities include (but are not limited to) demonstrations, rallies, picketing, protesting, using expressive conduct or speech, holding or carrying signs, distributing literature, acting as a public speaker, panhandling, and requesting signatures/donations/contributions.
 2. It is understood that expressive activities do not necessarily reflect the policies, opinions or views of the Town, its officials, employees, and representatives.
 3. Persons participating in expressive activities shall not block or otherwise prevent ingress to and egress from the Facilities.
 4. Persons participating in expressive activities shall at all times control the level of noise so that it does not interfere with use of the Facilities for their intended purposes by the public or the Town.
 5. Posters, pamphlets, or other printed information of any kind may not be placed on or attached to buildings, walls, columns, lights, or other structural/ornamental features of the Facilities unless such structures are expressly designated for such use. Such printed material shall not be left unattended.
 6. Aggressive or harassing behavior by any person participating in expressive activities in violation of law is strictly prohibited.
 7. Demonstrations, rallies, picketing, parades, processions, and similar on public streets, sidewalks or alleys may be subject to the permit requirements of Town Code §11-02-170 (as amended).
 8. Groups of twenty-five (25) or more persons wishing to occupy or use public forum Facilities for expressive activities must first obtain a permit from Staff pursuant to Section 9.2(B)(1) of this Policy (subject to the requirements of Section 10.1(B) of this Policy). This permit requirement shall not apply to spontaneous events.

9. No use of rice, confetti, birdseed, straw, glitter, sand or similar granular substance for expressive activity is permitted anywhere on the Civic Center campus.

B. Non-programmed Use of Town Parks and Similar Facilities for Expressive Activities.

Non-programmed use of Town parks, ramadas, amphitheaters, recreation areas and open spaces for expressive activities (including such use of the grass areas and covered stage in the Civic Center campus) will be subject to availability and shall not interfere with previously scheduled programming or reserved use thereof.

10.2 Limited Forum Facilities.

Limited forum Facilities are areas that are not traditionally public but which have been designated by the Town for certain expressive activities (subject to lawful restrictions). By way of illustration, the auditorium in the Joint Facility may be used for theatrical productions but not for political rallies. However, once expressive activities have been defined or limited for a particular Facility, no further regulation shall be applied that discriminates based on particular viewpoints expressed. By way of illustration, a theatrical production in the auditorium in the Joint Facility may include any content that is not otherwise unlawful. The Town may at any time (and without notice) withdraw limited forum designation for any Facility (in which case the Facility reverts to non-forum status).

A. The following Facilities are designated as limited forums:

- Boys and Girls Club
- CASA Senior Center
- Civic Center Conference/Training/Community Rooms
- Joint Facility Auditorium/Town Council Chambers
- Joint Facility Crystal Room/Viewing Terrace
- Magistrate Court Room
- Mountain Valley Splash
- Police Department Conference Room
- Sidewalks, walkways, entrances, corridors, plazas, stairs, benches, seating areas, restrooms, planters, walls, displays, memorials, landscaping, and parking areas adjacent to buildings which are not public forums but are also not designated non-forums

B. Limited forum Facilities may be used by the public for the general purposes for which they were constructed, including ingress and egress to other Facilities. The limited forum Facilities listed below may also be reserved by the public for assemblies, celebrations, gatherings, groups, instruction, meetings, etc. All use of limited forum Facilities shall be permitted on a non-discriminatory basis.

- C. Demonstrations, rallies, picketing, protesting, using expressive conduct or speech, holding or carrying signs, distributing literature, acting as a public speaker, panhandling, and requesting signatures/donations/contributions are not permitted in limited forum Facilities. In addition to complying with applicable federal, state and local law, occupancy or use of limited forum Facilities must also be appropriate for the circumstances (recognizing that such forums are located within high-profile Facilities which have been constructed with public resources and represent the community as a whole). Users shall ensure that cell phones, laptops, tablets, pagers, and similar communication devices do not disturb the public or Town employees in such Facilities. Users shall turn off or discontinue using such devices at the request of Staff.

- D. In limited forum Facilities which may be reserved by the public, reservations may not be made more than six (6) months in advance. Users shall provide all supplies for their own occupancy or use unless expressly authorized by Staff to use existing supplies within the Facilities.

- E. The following additional limitations apply to the following limited forum Facilities.
 - 1. Boys and Girls Club

These Facilities are subject to lease, and use of these Facilities by persons other than the lessee is determined by the conditions of the lease.

 - 2. CASA Senior Center

These Facilities are subject to lease, and use of these Facilities by persons other than the lessee is determined by the conditions of the lease.

 - 3. Civic Center Conference/Training/Community Rooms.

These Facilities may be reserved, as available, upon application to the Department and payment of fees and charges adopted from time to time by Council resolution. The Department may be reached at 759-3090, 8:00 a.m. – 5:00 p.m., Mon. - Fri.

 - 4. Joint Facility Auditorium/Town Council Chambers

These Facilities may be reserved, as available, upon application to the Department and payment of fees and charges adopted from time to time by Council resolution. The Department may be reached at 759-3090, 8:00 a.m. – 5:00 p.m., Mon. - Fri.

 - a. The Joint Facility Auditorium/Town Council Chambers may not be reserved for partisan political purposes or for

purposes related to election of candidates or other ballot issues.

- b. Hand-held signs, banners or similar items are not permitted inside the Town Council Chambers during Town Council meetings. Nothing herein precludes the wearing of standard items of clothing in such meetings, including buttons and similar appendages that are forms of protected expression.

5. Joint Facility Crystal Room/Viewing Terrace

These Facilities may be reserved, as available, upon application to the Department and payment of fees and charges adopted from time to time by Council resolution. The Department may be reached at 759-3090, 8:00 a.m. – 5:00 p.m., Mon. - Fri.

6. Magistrate Court Room.

This Facility may be reserved, as available, upon application to the Magistrate Court. The Court may be reached at 772-8277, 8:00 a.m. - 5:00 p.m., Mon. - Fri.

- a. Occupancy and use of the Magistrate Court (including areas used for conducting pre-trial conferences) shall be governed primarily by orders issued from time to time by the Arizona Supreme Court, Yavapai County Superior Court, and Prescott Valley Magistrate Court.
- b. The Magistrate Court Room may not be reserved for partisan political purposes or for purposes related to election of candidates or other ballot issues.

7. Mountain Valley Splash

As set forth in Section 9.3(A) of this Policy, this Facility may be reserved upon application to the Department and payment of fees and charges adopted from time to time by Council resolution. The Department may be reached at 759-3090, 8:00 a.m. – 5:00 p.m., Mon. - Fri.

8. Police Department Conference Room.

This Facility may be reserved upon application to the Police Department. The PD may be reached at 772-9261.

- a. Occupancy and use of the Police Department Building (including the secured east parking area) shall be governed primarily by the policies set forth from time to time in the General Orders of the Prescott Valley Police

Department (and in any Memorandum of Understanding with an employee organization).

- b. Entry into the Police Department building entry-way may be restricted during certain time periods to persons expressly granted entry by Staff.

- F. It should be noted that other portions of the Joint Facility which are part of the Prescott Valley Public Library and which are owned by Yavapai College (and leased to Northern Arizona University) may be considered limited forum Facilities (but also subject to the respective policies and procedures of the Library Board, Yavapai College, or NAU).

10.3 Non-Forum Facilities.

Non-forum Facilities are generally offices, conference rooms (not otherwise designated as limited forum Facilities), break rooms, the Town's employee wellness center, storage areas, porches, restricted employee entrances, utility control areas, disposal areas, and restricted parking areas occupied or used by Town officers, employees and agents. Occupancy or use of non-forum Facilities by persons other than Town officers, employees and agents is only by invitation of said Town officers, employees and agents.

- A. The following Facilities are specifically non-forum Facilities.
 - Parks and Recreation Maintenance Building and storage yard
 - Police Building and restricted east parking area
 - Public Works Building storage yard
 - Wastewater treatment building and related treatment Facilities
- B. Demonstrations, rallies, picketing, protesting, using expressive conduct or speech, holding or carrying signs, distributing literature, acting as a public speaker, panhandling, and requesting signatures/donations/contributions are not permitted in non-forum Facilities. All users of non-forum Facilities shall comply with applicable laws, statutes, ordinances and regulations.
- C. Town department directors are authorized to bar occupancy or use by any user of non-forum Facilities in which their departments are located, for any reasonable period of time, if a department director determines that any user:
 - is the subject of an injunction against harassment per A.R.S. §12-1809 (as amended) or an order of protection per A.R.S. §13-3602 (as amended) related to any Town officer, employee or agent; or
 - has been reported by a Town officer, employee or agent to have threatened bodily harm to any Town officer, employee or agent, or harm to said non-forum Facilities.

Any User whose occupancy or use of non-forum Facilities has been barred by a department director may have the matter reviewed by the Manager. The determination of the Manager shall be in writing and shall be final.

- D. Nothing herein shall preclude department directors from permitting the display of advertisements, announcements, brochures, cards, flyers, handbills, magazines, newspapers or similar by governmental or non-profit organizations which are directly related to the mission of the department in office areas where the public has access to them.

11.0 RIGHTS-OF-WAY AND PUBLIC UTILITY INTERESTS

11.1 Rights-of-Way and Public Utility Interests.

- A. Use of public rights-of-way for travel and access to property is generally regulated by A.R.S. Title 28 (as amended) and Town Code Chapter 11 (as amended) and is subject to direction by peace officers (including issuance by them of uniform citations and adjudication thereof by prosecutors and courts of competent jurisdiction).
- B. Use of public rights-of-way for commercial purposes involving construction in or physical modification of said rights-of-way is limited to those uses provided by franchises under Arizona Constitution Art. 13 §6 (as amended) and A.R.S. Title 9, Chapter 5, Article 1 (as amended), various licenses [including those under A.R.S. Title 9, Chapter 5, Article 1.1 (as amended) and Town Code Article 8-03 (as amended)], and various permits [including those under Town Code §7-10-030 (as amended)].

11.2 Public Utility Property Interests.

- A. Property interests in which utility Facilities are located, held by the Town directly or in trust for the public, shall be administered in accordance with the terms of the instruments which created the interests (and in accordance with applicable law).
- B. It is unlawful to encroach upon property interests held by the Town in which utility Facilities are located in such a way that the Town or any other public utility may not effectively administer its utility systems (or that otherwise interferes with the purposes of said property interests).
- C. To the extent that property owners other than the Town hold the underlying fee title to areas covered by easements, licenses or other public utility interests, said owners are responsible to maintain the same free of litter as set forth in Town Code Article 9-04 (as amended).

12.0 ENFORCEMENT

- 12.1 Users or other persons who violate the Arizona Revised Statutes or Town Code provisions referred to herein shall be subject to the enforcement provisions set forth therein, including (but not limited to) criminal prosecution, civil suit in law or in equity, and/or restrictions set forth in this Policy.

13.0 DISCLAIMER

- 13.1 Occupancy or use of the Facilities does not constitute an endorsement by the Town of any organization or group, the beliefs of any organization or group, or the expression of any opinion regarding the nomination, retention, election or defeat of any candidate or issue.
- 13.2 Users are individually responsible for their own conduct and actions in the Facilities. The Town expressly assumes no responsibility for articles lost or stolen during scheduled events or during other occupancy or use of the Facilities.
- 13.3 This Policy shall be interpreted to comply with the applicable provisions of the Americans with Disabilities Act (as amended) and the Arizonans with Disabilities Act (as amended).

APPENDIX “A”

Public Forum Areas
Civic Center Campus
[Subsection 10.1(A)]