



December 14, 2011

Mr. John Cooper
Occupy Public Land
[for hand-delivery]

Re: Request for Permit for De Anza Park for Camping Purposes

Dear Mr. Cooper,

Having reviewed your permit request dated December 9, 2011, attached, I cannot issue the permit as requested. Tucson Code Section 21-4(c) establishes the standards for issuance for requested permits, and provides, in relevant part, as follows:

(c) Standards for issuance. The director/district administrator shall issue a permit, license or reservation on a city form when he finds:

(1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park or cause annoyance or the disturbance of any other person's reasonable use of park facilities, or cause annoyance or disturb the peace of persons residing near the park, or interfere with the maintenance of the park or its facilities;

(2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

(3) That the proposed activity or use is not unreasonably anticipated to incite violence, crime or disorderly conduct;

(4) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police supervision by the city. If an activity requires additional expense or security, the sponsor/promoter shall pay the additional costs.

(5) That the facilities desired have not been reserved for other use at the day and hour required in the application;

(6) In the case of vendors of food and refreshments who are not regularly licensed concessionaires, that the required fees have been paid. Those fees shall be as follows: . . .

Mr. John Cooper

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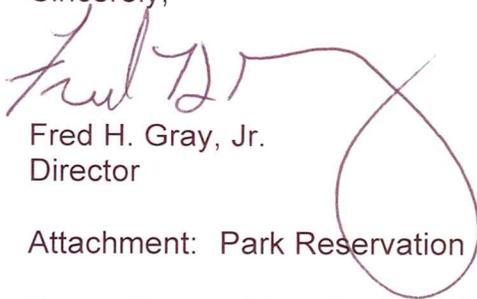
In addition to these Code provisions, the Parks and Recreation Department has in place certain rules and regulations that pertain to permit applications (see attached Park Reservation Information). One of these requirements is the provision of liability insurance naming the City of Tucson as an additional insured. Parks and Recreation also has establishes fees in connection to the permit process. My understanding of your permit request is that you will not be providing any liability insurance to protect the City, and are not prepared to pay any associated permit fees.

Based on all the above, I must deny the permit request. The request does not satisfy the application requirements relating to fees and insurance, as described above. I also find that the application does not satisfy the standards in Tucson Code Section 21-4(c) above; including in particular the criteria in (c)(1) regarding interference with or detracton from the general public enjoyment of the park; the criteria in (c)(2) relating to promotion of public health, safety, welfare and recreation; and the criteria in (c)(4) relating to the burden on police supervision.

The Tucson Code provides you the opportunity to pursue an appeal of this decision. Tucson Code Section 21-4(d) provides as follows:

(d) Appeal. If the permit is denied the director shall notify the applicant in writing within thirty (30) days after receipt of the request for permit of the reasons for refusing a permit or reservation. An aggrieved person may either appeal in writing within fourteen (14) days to the city manager, who shall consider the application under the standards set forth in subsection (c) above and sustain, modify, or overrule the director's decision within fourteen (14) days.

Sincerely,

A handwritten signature in blue ink, appearing to read "Fred H. Gray, Jr.", with a large, stylized flourish extending from the end of the signature.

Fred H. Gray, Jr.
Director

Attachment: Park Reservation Information

Cc: Richard Miranda, City Manager
Liz R. Miller, Assistant City Manager
Mike Rankin, City Attorney



PARK RESERVATION INFORMATION

Insurance: A Certificate of Liability Insurance in the amount of \$1 million per occurrence, with an endorsement naming the City of Tucson as Additional Insured, is required at least two weeks before an event. Event Liability Insurance must include coverage for: Contractual Liability; Limited Assault and Battery Coverage; Spectators and Volunteers.

Vendor Permits: The event organizer must submit a Vendor List. The fee for Vendor Permits is \$60.00 per vendor per day (\$20.00 per day for nonprofit vendors who provide a copy of their 501(c)3 form). If tangible goods or services are being sold to consumers, the vendor may need to obtain either a regular business license or special event business license, per the attached *Business License Brochure*.

Health Permits: A Pima County Health Permit is required if food is sold or distributed to the public. Food vendors must also present a copy of their Pima County Health Permit in order to purchase a Vendor Permit. Health Permits can be purchased at the Pima County Health Department, 3950 S. Country Club Road, telephone (520) 243-7908.

All food vendors must use industrial mats under cooking and serving areas. Failure to follow this procedure may result additional charges for cleanup and forfeiture of the maintenance deposit.

Alcohol: Beer is the only alcohol allowed at City parks. A Special Event Beer Permit is required and can be purchased for \$90.00/day City resident fee, or \$115.00/day regular fee, at the Parks & Recreation office at 900 S. Randolph Way. A copy of the vendor's City and State Special Event Liquor License and a photo I.D. must be presented in order to purchase the Beer Permit. Special Event Liquor License applications can be obtained through the City Clerk's Office (791-4213), and should be submitted at least 6-8 weeks before an event. The beer vendor must also provide a copy of his Pima County Health Permit in order to purchase the Special Event Beer Permit. A Vendor Permit is also required to sell the beer.

Activities generating large crowds, involving street closures, necessitating off-duty officers, having parade-like formation, requiring overnight security, etc., must be coordinated with the following City departments:

- **Tucson Police Department/Operations Division** – (Paul Patterson, Special Events Office, at 837-7238), and Ann Beecroft, 791-4855, to schedule officers for an event. The attached *Civic Event Application* must be completed and submitted it to Officer Patterson and Billie Lee.
- **Tucson Fire Department/Fire Prevention Division** (Capt. Phil Morgan, 791-4502) for adherence to the Tucson Fire Code for booths, tents, and/or canopies. See the attached *Standard Operating Guidelines* for tents and canopies and for cooking booths.
- **Traffic Engineering** (Billie Lee, 837-6673) for barricades, street closures or clearances, and for approval of City-related services as required for civic events.
- **ParkWise** (Chris Leighton, 791-5071) for hooding of parking meters/parking spaces, and to ensure an adequate parking plan for event participants.
- **Environmental Services** (Commercial Accounts Rep. Andy Vera, 791-5543) for collection and disposal of all refuse and/or recycling materials. An additional charge for trash/recycling containers will apply.

Tents/Canopies: We recommend that any tents or canopies be free-standing or secured to the ground with weighted containers. If anything will be staked into the ground, the event organizer must contact Arizona Bluestake at 1-800-782-5348 the week before the event, and the area must be bluestaked before any tents or canopies are erected. If the area is not bluestaked and damage to underground utility lines occurs, the event organizer will be held liable for repair costs.

Portable Toilets: A copy of the rental agreement with a portable toilet vendor, indicating ADA-accessible units, is required two weeks before an event. The event organizer is responsible for padlocking the units when not in use for the event, and the portable toilet company must coordinate placement of the units with City Parks staff.

Equipment/Electricity: Rental of City equipment (stages, booths, bleachers, etc.) and electrical hookups must be coordinated through the Parks Southwest District/Civic Events Office (Lisa Cortese, 837-8140). The request must be submitted in writing to: Reenie Ochoa, City of Tucson Parks & Recreation, 1575 E. 36th Street, Tucson, AZ 85713. Additional charges for equipment and electrical will be invoiced and added to the rental.

Event Layout: The event organizer must provide Parks & Recreation with an event layout. Parks staff will schedule a walk-through at the park prior to the event to ensure that all on-site details are covered. It is the event organizer's responsibility to provide overnight security for equipment/materials left overnight in the park.