



# Public Safety Committee

**Date:** January 22, 2009  
**To:** Public Safety Committee  
**Through:** Christopher J. Brady, City Manager  
**From:** George Gascón, Police Chief  
**Subject:** Off-Duty Employment

## Purpose and Recommendation

The purpose of this report is to recommend that the Public Safety Committee consider implementing an ordinance to establish an off-duty work protocol that would require businesses or other organizations that hold events on or in City property or businesses or other organizations that require a special events permit and the event is being held on or in City property to hire off-duty Mesa Police Officers to provide security.

## Background

The Mesa Police Department is committed to providing police services to the community in an efficient manner.

The department allows its sworn personnel to participate in an off-duty work program, which is either arranged by the department or arranged by the employee, as long as the work is not inconsistent with the interests of the City.

When businesses or other organizations request police services for events or other circumstances that require the services of a sworn police officer and do not conflict with the mission of this department, police services are available through the Human Resources Division, Off-Duty Employment Unit.

## Discussion

The primary obligation and responsibility for all department personnel is their on-duty assignment.

The department allows its sworn personnel to participate in an off-duty work program as long as the work is not inconsistent with the interests of the City.

The primary duty of department personnel working off-duty is to protect the safety and welfare of the community. Department personnel participating in the off-duty work program are required to adhere to the department procedures and orders.

Currently, the City of Mesa Traffic Barricade Manual requires that businesses or other organizations that engage in construction or maintenance operation on public roadways or right of way, hire off-duty Mesa Police Officers for traffic safety. The Traffic Barricade Manual provides, "The contractor, utility or other agency, except City department, may be required to provide a uniformed off-duty police officer during off-peak and weekend traffic hours to assist with traffic control."

This proposal seeks to expand the basis for off-duty employment to include situations where off-duty police presence and employment is established by a City ordinance.

The Cities of Chandler, Gilbert, and Phoenix have similar procedures or ordinances.

**Alternatives**

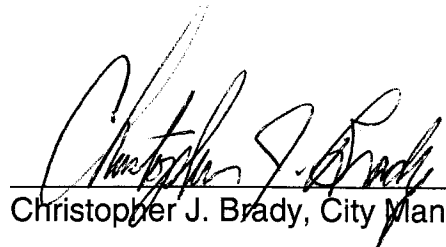
**Alternative 1:** At the direction of the Committee, develop an ordinance that would require businesses or other organizations that hold events on or in City property or businesses or other organizations that require a special events permit to hold an event on or in City property hire off-duty Mesa Police Officers.

**Alternative 2:** At the direction of the Committee, do not develop an ordinance. The off-duty work program will continue without a requirement for businesses or other organizations that hold events on or in City property or businesses or other organizations that require a special events permit to hold an event on or in City property to hire off-duty Mesa Police Officers.



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George Gascon, Police Chief



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Christopher J. Brady, City Manager

# CHAPTER 1

## SPECIAL EVENT LICENSE

### SECTION:

- 5-1-1: **PURPOSE AND INTENT**
- 5-1-2: **DEFINITIONS**
- 5-1-3: **LICENSE REQUIRED**
- 5-1-4: **LICENSE PROVISIONS**
- 5-1-5: **PRIVILEGE (SALES) TAX LICENSE REQUIRED (3572)**
- 5-1-6: **REFUSAL TO ISSUE OR REVOCATION OF LICENSE (3572)**
- 5-1-7: **APPEAL (3572)**

#### 5-1-1: **PURPOSE AND INTENT:**

It is acknowledged by the City Council that special events enhance the lifestyle of the citizens of Mesa and create unique venues for expression, entertainment, and business that are not otherwise provided within the framework of the City Code. (2736)

The purpose of this Chapter is to establish a process for permitting and regulating certain temporary activities conducted on public or private property. This Chapter is intended to provide fair and reasonable regulations governing the time, place, and manner in which a special event may take place. (2736)

#### 5-1-2: **DEFINITIONS:**

**PERSON:** An individual, firm, partnership, joint venture, association, corporation, or any other group or combination acting as a unit in the plural as well as the singular number. (2736)

**SPECIAL EVENT:** A temporary use in all zoning districts which: (2736)

- (A) Is intended for purposes of entertainment, education, commercial promotion, or cultural, religious, ethnic, or political expression; and (2736)
- (B) Is conducted on a site or in an area not specifically zoned, authorized, or otherwise approved for such use on a permanent basis; and (2736)
- (C) Is carried on in a temporary structure or outside; and (2736)
- (D) May occur in conjunction with an existing permitted use or as a separate activity; and (2736)
- (E) Includes parades, sporting events, circuses, fairs, carnivals, festivals, religious revivals, political rallies, vehicle shows and displays, and similar recognized temporary activities. (2736)
- (F) **INCLUDES ANY PLANNED ACTIVITY BY A PERSON, OTHER THAN THE CITY OF MESA OR ITS EMPLOYEES WHEN ACTING IN THEIR OFFICIAL CAPACITY, WHICH IS TO BE HELD ON OR IN CITY PROPERTY OR BUILDINGS.**
- (FG) Shall not include wedding and funeral ceremonies, holiday boutiques, elections, private yard sales, Christmas tree and pumpkin sales lots, car washes, and activities such as retail sales promotions that could otherwise be lawfully conducted in accordance with the provisions of the Zoning Ordinance in the district where such promotion takes place. (2736)

**5-1-3: LICENSE REQUIRED:**

- (A) Any person, whether as a member, agent, or employee, either for themselves or for any other person, who shall conduct a special event as specified in this Chapter shall first obtain a license from the Finance Director. (2736)
- (B) It shall be unlawful for any person to conduct a special event within the corporate limits of the City without first having obtained a license as provided in this Chapter. (2736)

**5-1-4: LICENSE PROVISIONS:**

- (A) License Fee and Conditions. Applications for a special event license shall be made in the office of the Tax and Licensing Administrator on a form provided therefor. Any person who submits an application for a special event license shall include the following: (2736)

1. A fee of one hundred dollars (\$100.00) for each day of the special event, not to exceed a maximum of three hundred dollars (\$300.00) for each event. (2736, 2864)
2. Certification by an insurance company duly licensed by the State of Arizona that the licensee has in effect insurance to protect the public, the licensee, and the City of Mesa, its elected officials, and employees from liability for losses and damages arising out of the activity which is the subject of the license if deemed necessary by the Finance Director. The specific policy form, limits, and endorsements shall reflect the type of activity anticipated by the license and shall be approved by the Finance Director as a condition of licensure. (2736)

**3. WHEN APPLYING FOR A SPECIAL EVENT PERMIT FOR AN ACTIVITY ON OR IN CITY PROPERTY OR BUILDINGS, A PERSON SHALL ADVISE THE TAX AND LICENSING ADMINISTRATOR AS TO THE FOLLOWING:**

**I) THE DATE, TIME AND LOCATION OF THE SPECIAL EVENT;**

**II) THE EXPECTED DURATION OF THE SPECIAL EVENT;**

**III) THE NUMBER OF EXPECTED PARTICIPANTS OR ATTENDEES; AND**

**IV) IF ALCOHOLIC BEVERAGES WILL BE SERVED OR CONSUMED AT THE SPECIAL EVENT.**

**4. A PERSON APPLYING FOR A SPECIAL EVENT PERMIT FOR AN ACTIVITY OCCURRING ON OR IN CITY PROPERTY OR BUILDINGS SHALL BE REQUIRED TO CONTACT THE CITY OF MESA POLICE DEPARTMENT OFF-DUTY COORDINATOR TO ARRANGE FOR OFF-DUTY POLICE OFFICERS TO STAFF THE SPECIAL EVENT ACTIVITY UNDER THE FOLLOWING CIRCUMSTANCES:**

**(i) IF A SPECIAL EVENT IS EXPECTED TO HAVE BETWEEN TWENTY-FIVE (25) TO FIFTY (50) PARTICIPANTS OR ATTENDEES, OR IF ALCOHOLIC BEVERAGES WILL BE SERVED OR CONSUMED REGARDLESS OF THE NUMBER OF PARTICIPANTS OR ATTENDEES, A MINIMUM OF TWO (2) OFF-DUTY CITY OF MESA POLICE OFFICERS SHALL BE RETAINED TO STAFF THE SPECIAL EVENT.**

**(ii) FOR EVERY ADDITIONAL TWENTY-FIVE (25) PARTICIPANTS OR ATTENDEES ABOVE FIFTY (50), ONE (1) ADDITIONAL OFF-DUTY CITY OF MESA POLICE OFFICER SHALL BE RETAINED TO STAFF THE SPECIAL EVENT.**

**(iii) FOR EVERY FOUR (4) CITY OF MESA POLICE OFFICERS RETAINED TO PROVIDE OFF-DUTY SERVICES, ONE (1) SWORN CITY OF MESA POLICE DEPARTMENT SUPERVISOR SHALL BE RETAINED TO PROVIDE OFF-DUTY STAFFING SUPERVISION FOR THE SPECIAL EVENT.**

**5. THE MESA POLICE DEPARTMENT MAY, WHEN NECESSARY AND APPROPRIATE, ALTER THE RATIOS SET FORTH IN 4 ABOVE.**

- (B) License Nontransferable. No license issued pursuant to this Chapter shall be assigned or transferred. Any attempted assignment or transfer shall be void and work a forfeiture on the license and all license fees paid. (2736)
- (C) Exhibition of License. Each person licensed under this Chapter shall place or exhibit the license at all times in a conspicuous place and shall produce the same where requested to do so by any police officer. If the licensee or any person engaged or employed by the licensee shall refuse or neglect to exhibit the license, such person shall be guilty of a violation of this Chapter. (2736)

**5-1-5: PRIVILEGE (SALES) TAX LICENSE REQUIRED: (3572)**

When any portion of the special event involves a business activity where tangible personal property is sold, displayed for sale, or otherwise offered for sale in the City of Mesa, such business activity shall be conducted, and sales shall take place, in a manner which requires that any applicable local sales tax shall be paid to the City of Mesa in accordance with Title 5, Chapter 10 of the Mesa City Code, and the Model City Tax Code. (3572)

**5-1-6: REFUSAL TO ISSUE OR REVOCATION OF LICENSE: (3572)**

The Finance Director shall have the power to refuse to issue a license or to revoke at any time any license granted in accordance with this Chapter for any of the following causes: (2736)

- (A) Fraud, misrepresentation, or false statement made in the course of applying for license; (2736)
- (B) Fraud, misrepresentation, or false statement made in the course of carrying on the event; (2736)
- (C) Any violation of this Chapter; (2736)
- (D) Conviction of any crime or misdemeanor involving moral turpitude; (2736)
- (E) Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public; (2736)
- (F) Failure to comply with any term or condition of approval as specified in the license application, such as but not limited to, building permits, tent permits, signage schedules, and development plans. (2736)

**5-1-7: APPEAL: (3572)**

Within five (5) days, excluding weekends and legal holidays, an applicant for a license or licensee may appeal to the City Manager from either the refusal of the Finance Director to issue a license under this Chapter or from the revocation of any license granted in accordance with this Chapter. The City Manager may designate a Hearing Officer to hear the appeal. (2383, 2736)