

Note: Amendments proposed for second reading are contained. Words to be deleted on second reading are shown in bold double strikeout; words to be added on second reading are shown in *bold italics*.

ORDINANCE NO. 881

**AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 11,
ARTICLE 3 OF THE DAONO MUNICIPAL CODE REGARDING
EVENT PERMITS**

WHEREAS, the City is authorized and empowered to regulate streets and rights-of-way within the City, including any activity conducted on private property that may negatively impact the safety or proper functioning of the City's streets and rights-of-way; and

WHEREAS, Chapter 11, Article 6 of the Daono Municipal Code authorizes issuance of permits to allow closure of streets or portions of streets temporarily for community or neighborhood events; and

WHEREAS, the City Council finds that other types of events, including events regularly held on private property, have had, and will likely continue to have, negative impacts on the safety and proper functioning of the City's streets and rights-of-way; and

WHEREAS, the City recognizes the need to encourage and promote events for the greater good, cultural diversity, and promotion of the City, while recognizing that some gatherings and organized activities, due to their size and special requirements, may place unique demands on public resources or pose a danger to public health, safety, and welfare, and that in order to plan for these demands on public resources and ensure that public health, safety, and welfare is protected, it is necessary that the City receive advance notice of these events; and

WHEREAS, the City Council finds it necessary and desirable for the health, safety, and welfare of the City and its residents that all events impacting, or that have the potential to impact, the City's roadway system be conducted only pursuant to a permit issued by the City, so that such events may be held while minimizing or eliminating such concerns and impacts; and

WHEREAS, the City Council further finds the comprehensive administrative review and permitting procedure set forth herein represents a reasonable time, place, and manner regulation narrowly drawn to serve the City's significant governmental interest of serving the public convenience, preventing confusion by overlapping events, securing convenient use of the streets by travelers, and minimizing the risk of disorder; are not based on the content of any message; leave open ample alternatives for communication; and is enacted to provide an efficient, clear, and predictable permitting process for City staff and event organizers; and

WHEREAS, the City Council finds and declares it has the power and authority to adopt this ordinance pursuant to C.R.S. § 31-15-501, *et seq.* (Regulation of Businesses), C.R.S. § 31-15-401, *et seq.* (Police Regulations), C.R.S. § 31-15-702 (Regulation of Streets and Alleys),

Article XX of the Colorado Constitution (concerning municipal home rule), and the City of Dacono Home Rule Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. Chapter 11, Article 3 of the Dacono Municipal Code is hereby repealed and re-enacted to read as follows:

Chapter 11

Streets, Sidewalks and Public Property

Article 3 Event Permits

Sec. 11-50	Purpose and intent; no rights conferred
Sec. 11-51	Definitions
Sec. 11-52	Permit required; application
Sec. 11-53	Criteria for denial
Sec. 11-54	Issuance; transfers
Sec. 11-55	Conditions
Sec. 11-56	Insurance; bonds
Sec. 11-57	Duties of permittee
Sec. 11-58	Revocation; appeal
Sec. 11-59	Violations

Sec. 11-50. Purpose and intent; no rights conferred.

This Article establishes standards for the issuance of permits for events in the City on property not owned by the City. The intent of these regulations is to ensure that events operate safely, are not detrimental to the public health, do not substantially interfere with traffic, pedestrian circulation, or public services, and are compatible with surrounding property. This Article grants no rights to, and creates no property or other legal interest in, any person or organization. The City retains full control over the City's rights-of-ways at all times and may, pursuant to the criteria set forth herein, issue, issue with conditions, or deny an event permit.

Sec. 11-51. Definitions.

The following words and phrases, whenever used in this Article, shall have the following meanings:

Clerk means the City Clerk or the City Clerk's designee.

Event means an organized procession or assembly of twenty-five (25) or more people: (1) requiring the exclusive use of all or a portion of a public right-

of-way; (2) involving the temporary closure of or significant interruption to the flow of traffic on public rights-of-way; (3) requiring traffic control within public rights-of-way; (4) causing traffic to stack on any public right-of-way for any period of time; or (5) creating a public safety hazard. Examples of events include, but are not limited to, festivals, celebrations, carnivals, concerts, races, parades, fundraisers, fairs, rodeos, camps and other similar activities. Processions of vehicles operated in compliance with ordinary traffic laws are not events for which a permit must be obtained pursuant to this Article.

Permittee means the owner of property on which an event will be held.

Public right-of-way means any street, road, sidewalk, alleyway, bike or pedestrian trail or path, or any other right-of-way owned by the City.

Sec. 11-52. Permit required; application.

(a) Any person or organization desiring to conduct an event in the City shall apply for a permit by filing an application with the Clerk on a form supplied by the City. When multiple scheduled events will be held on a property within a calendar year, the Clerk is authorized to issue one permit for all such events, such permit to list the date and name of each event for which the permit is valid.

(b) A pre-application meeting shall be scheduled with the Clerk prior to filing a permit application, unless the requirement for a pre-application meeting is waived by the Clerk.

(c) At a minimum, the event permit application shall include the following information:

(1) The applicant's name, address and phone number;

(2) The date and time of the event, including the estimated set-up period, start time, end time, and estimated break-down and clean up period;

(3) A site plan, showing the proposed location of the event, including a detailed map of the route, if applicable;

(4) The nature of the event;

(5) The estimated number of attendees or participants and animals, if any;

(6) The estimated number of vehicles;

(7) A parking plan for the event, including written evidence of permission by the property owner for any off-site parking;

(8) A clean-up plan;

(9) A description of amplified noise, if any;

(10) A statement as to whether the event will involve hazardous, combustible or flammable materials and, if so, the safeguards planned;

(11) The location of any temporary sanitary facilities to be used in connection with the event;

(12) A plan for any use of temporary electrical connections for the event; and

(13) Any other information requested by the Clerk relevant to either the criteria set forth in Section 11-53 or the possible conditions that may be imposed pursuant to Section 11-55 that will aid the Clerk in deciding whether to issue the event permit and under what conditions.

(14) A traffic control plan, including a plan for the use of any temporary access to the site where the event will be held.

(d) Applications for event permits shall be signed by the owner of the property on which such event will be held and shall also be signed by the event organizer or promoter, if different from the property owner.

(e) Applications for event permits shall be accompanied by applicable fees for the event, which fees shall be set from time to time by resolution of the City Council. Additionally, for applications of such complexity or unique circumstances that may require review by City consultants or other outside agencies that will charge the City a fee for review, the Clerk may require the applicant execute a cost agreement and provide a funds deposit before the application is deemed complete, in order to defray the City's actual cost for processing the permit.

(f) Applications shall be submitted not less than ninety (90) days nor more than one (1) year before the event. The Clerk shall, upon a showing of good cause, consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain any necessary police services and/or traffic control for the event. Good cause may be demonstrated by a showing that the circumstance that gave rise to the application did not reasonably allow the applicant to file within the time prescribed.

(g) Each applicant for an event permit shall obtain all required sales and admissions tax licenses prior to issuance of an event permit, and shall report and remit such taxes as required by Chapter 4 of this Code.

(h) Upon receipt of a complete application, the Clerk shall refer the application to those agencies, such as police, fire, and emergency management, for review and comment as the Clerk shall determine. The Clerk may adopt rules and regulations for accepting, reviewing, referring, and approving applications pursuant to this Article, and applicants shall comply with such requirements.

Sec. 11-53. Criteria for denial.

(a) The Clerk shall approve an application and issue an event permit unless the Clerk determines, upon consideration of the application and other pertinent information, that:

(1) Information contained in the application or supplemental information obtained from the applicant is found to be false in any material detail;

(2) The applicant has failed to complete the application after having been notified of any additional information or documents required;

(3) Another event permit has already been issued, or an application has been received prior in time, to hold another event on the same date and time or so close in time and place as to cause undue traffic congestion, or as to burden the City's ability to meet the needs of police, fire or other emergency services to the remainder of the City;

(4) The time, route, size, nature or location of the event will substantially interrupt the safe and orderly movement of traffic on or contiguous to the event site or route or will disrupt the use of a public right-of-way at a time when it is usually subject to traffic congestion;

(5) The size or nature of the event will require diversion of so great a number of police officers to ensure that participants stay within the boundaries or route of the event or to protect participants in the event, as to prevent normal protection to the rest of the City; provided that nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for protection of participants with the number of police officers available to police the event;

(6) The size or nature of the event will require diversion of so great a number of ambulances as to prevent normal ambulance service to the City and surrounding areas;

(7) The location of the event will substantially interfere with any construction or maintenance work scheduled to take place on or near a public right-of-way;

(8) The event will occur at a time when a school is in session on a route or at a location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class;

(9) The event involves the use of hazardous, combustible or flammable materials that could create a fire hazard;

(10) The event, as described in the application, would violate any applicable law;

(11) Fire or emergency management agencies have advised the City that they cannot provide required support services for the event, or that the event would interfere with the movement of firefighting equipment or other emergency response vehicles or equipment and thus create a public safety hazard;

(12) The applicant has failed to pay costs, fees or deposits for any previous event permit;

(13) The applicant has failed to abide by terms or conditions of any previous event permit; or

(14) The applicant has been convicted of violating any provision of this Article or has had an event permit revoked within the preceding twelve (12) months.

(b) When grounds for denial of an application can be corrected by altering the date, time, duration, route, location, or other aspect of the event, the Clerk shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of appropriate corrective conditions or by making other reasonable modifications to the event.

Sec. 11-54. Issuance; transfers.

(a) Upon submission of a complete application for the event permit, the Clerk shall consider the applicable criteria and approve, approve with conditions or deny the application. If the application is denied, the Clerk shall inform the applicant in writing of the grounds for denial and such denial may be appealed to the City Manager by filing written notice of appeal within seven (7)

days following the date of the Clerk's decision. If the application is approved, the Clerk shall issue the event permit, including any conditions.

(b) Event permits issued pursuant to this Article are not transferable or assignable. The Clerk shall review a request to transfer or assign a permit as a new application.

Sec. 11-55. Conditions.

The Clerk may impose reasonable conditions on any event permit necessary to protect the safety of persons and property and the control of traffic, including but not limited to:

- (1) Alteration of the date, time, duration, frequency, route or location of the event;
- (2) Conditions concerning the area of assembly and disbanding of parades or other events occurring along the route, and requiring that all parades move from point of origin to point of termination without unreasonable delay;
- (3) Conditions concerning accommodation of available parking or pedestrian or vehicular traffic, including restricting the event to only a portion of a public right-of-way;
- (4) Requirements for the use of traffic cones, barricades or other traffic control devices to be provided, placed and removed by the permittee at its expense;
- (5) Requirements for arrangement of fire protection or law enforcement personnel to be present at the event at the permittee's expense;
- (6) Requirements for provision of emergency access and first aid;
- (7) Requirements for use of event monitors and providing notice of permit conditions to event participants;
- (8) Requirements for provision of sanitary facilities;
- (9) Restrictions on the number and type of vehicles, animals or structures at the event and inspection and prior approval of floats, structures and decorated vehicles for fire safety;

(10) Requirements for use of trash receptacles, cleanup and restoration of property;

(11) Restrictions on use of amplified sound;

(12) A requirement that written notice be provided to those property owners in the vicinity of the proposed event site as determined by the Clerk, including those along **a parade route roadways impacted by the event**;

(13) Compliance with any applicable law and obtaining any other legally required permits or licenses;

(14) Designation of a contact person with decision-making authority who will be present at the event and continuously available to law enforcement personnel;

(15) Approval of the event permit by the City's Police Department and Public Works Department; and

(16) Approval of the event permit by the Mountain View Fire Protection District.

(17) Approval of the event permit by the Carbon Valley Emergency Coordinator.

Sec. 11-56. Insurance; bonds.

(a) In addition to any other conditions authorized by Section 11-55, the Clerk may require the applicant to possess liability insurance to protect against loss from liability imposed by law for damages for bodily injury or property damage arising from the event. The Clerk shall determine whether to require such insurance and the amount of insurance that shall be required based upon the considerations routinely taken into account by the City in evaluating loss exposures, including without limitation, whether the event poses a substantial risk of damage or injury to the attendees, the anticipated number of participants, the nature of the event and activities involved and the physical characteristics of the proposed site or route. Such insurance shall name the City, its officers, employees and agents as additional insureds.

(b) In addition to any other conditions authorized by Section 11-55, the City may require the applicant post a cash bond in such reasonable amount as may be determined by the City Clerk to ensure compliance with Section 11-57(c) of this Code.

Sec. 11-57. Duties of permittee.

(a) The permittee shall be responsible for compliance with all terms and conditions of the event permit, regardless of whether the event is conducted by the permittee or another person or entity.

(b) The permittee shall ensure that the person leading or in charge of the event is familiar with every provision of the event permit and carries the event permit on his or her person for the duration of the event.

(c) Immediately following the completion of the event, the permittee shall ensure that all rights-of-way used as ingress or egress to the area used for the event are cleaned and restored to the same condition as existed prior to the event. If rights-of-way impacted by the event have not been properly cleaned or restored, the permittee shall be required to reimburse the City for any costs incurred by the City to clean or restore the area.

Sec. 11-58. Revocation; appeal.

Any event permit issued pursuant to this Article may be suspended or revoked in accordance with the procedure set forth in Section 6-11 of this Code.

Sec. 11-59. Violations.

(a) It shall be unlawful for any property owner to hold or allow to be held on his or her property any event without an event permit having first been issued pursuant to this Article.

(b) It shall be unlawful for any property owner to hold or allow to be held on his or her property any event utilizing a security service that is not licensed pursuant to Chapter 6, Article 6 of this Code.

(c) In order to protect and preserve the public health, safety, and welfare, the Police Chief, or his or her designee, may take such actions as deemed reasonably necessary to address violations of this Article, including requiring attendees at an unpermitted event to disperse. In addition to the general penalty set forth in Section 1-70 of this Code, the City may charge to the property owner where an unpermitted event was held its reasonable costs associated with response by the City's Police Department.

Section 2. Any person charged with a violation of this ordinance, upon conviction thereof, shall be subject to the General Penalty in Section 1-70 of the Dacono Municipal Code, which provides for incarceration for a period not to three hundred sixty-four (364) days, a fine not to exceed one thousand dollars (\$1,000.00), or both such fine and imprisonment. As provided in Section 1-70(b), each and every day during any portion of which any violation is

committed, continued or permitted shall be a separate violation, and the violator shall be punished accordingly.

Section 3. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance, or any portion hereof, are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this 11th day of November, 2019.

PUBLIC HEARING AND SECOND READING WILL BE THE 25th day of November, 2019, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this ____ day of _____, 20__.

CITY OF DACONO, COLORADO

Joe Baker, Mayor

ATTEST:

Valerie Taylor, City Clerk

Summary of Ordinance No. ____, **“AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 11, ARTICLE 3 OF THE DACONO MUNICIPAL CODE REGARDING EVENT PERMITS”** Requires an event permit be issued by the City before any property owner holds, or permits on his or her property to be held, an event within the City comprised of twenty-five or more people attending or participating that may impact the public rights-of-way.