

ORDINANCE NO. 915

**AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3 OF THE
DACONO 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, by Ordinance No. 881 adopted on November 5, 2019, the City Council amended the Dacono Municipal Code to add a new Chapter 11, Article 3 concerning Event Permits; and

WHEREAS, the City Council finds the amendments set forth herein necessary, desirable, and in furtherance of the purpose and intent of the City's permitting of events and the impacts of the same on the City's streets and rights-of-way as 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. Section 11-50 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

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, and do not change the character or use of the property. The City Council finds that repeat events held at a single location can tend to change the character of the use of a property in ways that are not compatible with the approved use of a property and surrounding properties and

event permits are not intended to expand the approved uses of a property in a manner that has not taken into account permanent infrastructure and other requirements, including but not limited to improvements needed for access, parking, and streets. 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.

Section 2. The definition of *Event* in Section 11-51 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 11-51. Definitions.

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

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; or (6) activities of a nature that are different than the typical use of the property. 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. Neighborhood block parties are also not events for which a permit must be obtained pursuant to this Article, but are governed by the requirements of Section 2.5 of this Chapter 11.

Section 3. Section 11-52 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

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 layout 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 on property not owned by the applicant. If typical business operations will also be conducted at the site of the event, the parking plan must demonstrate sufficient parking is available for those typical business operations plus event attendees and participants;

(8) A clean-up plan;

(9) A description of any amplified noise, if any sound to be used and the hours. All amplified sound must comply with the requirements of Section 10-123 of this Code;

(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~~ submitted 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. The event to be held pursuant to the permit may not be held on private property not owned by the applicant.

(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.

Section 4. Chapter 11 of the Dacono Municipal Code is hereby amended by a new Section 11-52.2 to read as follows:

Sec. 11-52.2. Notice.

Notice that an application for an event permit has been filed with the City shall be posted by the applicant on the property where the event is proposed not more than five (5) days following the date a complete application is filed with the

City and shall remain posted until the event permit application has been approved or denied by the City Clerk. Notice shall also be mailed to owners of property located within three hundred (300) feet of the event site and to those owning property along any streets that would be closed or otherwise impacted by the event. The notice requirement in this Section must be met for each event permit application filed; if one permit is filed for multiple events pursuant to Section 11-52(a), the notice shall include a description of each of the multiple scheduled events.

Section 5. Section 11-53 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

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, fails to clean-up after an event in accordance with the clean-up plan filed with a previous event permit, or failed to adequately describe a proposed event or otherwise made a material misrepresentation in a previous application; ~~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;

(15) The event as proposed does not meet all requirements of the zone district in which the property on which the event will be held is located; or

(16) Based on the frequency or character, or both, of previous events, the event as described in the application would tend to change the character or use of the property.

(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.

Section 6. Section 11-54 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

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 by the City Manager, 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.

Section 7. Section 11-55 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 11-55. Conditions; rules and policies.

(a) 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.

(b) The Clerk is authorized to establish rules and policies to assist with the review and administration of event permit applications, including but not limited to requirements and conditions applicable to certain types of events or based on the number of anticipated attendees or participants.

Section 8. Section 11-57 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

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 a copy of the event permit and any conditions is kept on site during the event(s).

~~(b c)~~ 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.

~~(e d)~~ 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.

Section 9. Section 11-59 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

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 or to hold an event that is not in compliance with the issued permit.

(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, or violations of an event permit issued pursuant to 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 10. 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 11. 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 12. 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 13. 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 8th day of November, 2021.

PUBLIC HEARING AND SECOND READING WILL BE THE 22nd day of November, 2021, 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. 915, **“AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3 OF THE DAcono MUNICIPAL CODE REGARDING EVENT PERMITS”**

Amends the requirements for event permits and creates an exception for neighborhood block parties, which are regulated and permitted under Chapter 11, Article 2.5 of the Code.