

ORDINANCE NO. 916

AN ORDINANCE AMENDING CHAPTER 11 OF THE DACONO MUNICIPAL CODE TO ADD A NEW SECTION 2.5 CONCERNING BLOCK PARTY 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 3 of the Dacono Municipal Code authorizes issuance of permits to allow closure of streets or portions of streets temporarily for events; and

WHEREAS, the City Council finds that neighborhood block parties bring neighbors together and can create better relationships and a closer-knit community, all of which is beneficial to the City and its residents and should therefore be encouraged; and

WHEREAS, the City Council also finds it necessary and desirable for the health, safety, and welfare of the City and its residents that neighborhood block parties be conducted only pursuant to a permit issued by the City, so that such events may be held while minimizing or eliminating impacts on the City's streets and neighborhoods; and

WHEREAS, the City Council further finds the simplified administrative review and permitting procedure set forth herein for neighborhood block parties 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 block party organizers; and

WHEREAS, the City Council finds and declares it has the power and authority to adopt this ordinance pursuant to C.R.S. § 31-15-401, *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 of the Dacono Municipal Code is hereby amended by the addition of a new Article 2.5 to read as follows:

Chapter 11

Streets, Sidewalks and Public Property

Article 2.5 Neighborhood Block Parties

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| Sec. 11-40 | Purpose and intent |
| Sec. 11-41 | Definitions |
| Sec. 11-42 | Permit required; application; fee |
| Sec. 11-43 | Requirements for conduct of block party |
| Sec. 11-44 | Suspension or revocation of permit |
| Sec. 11-45 | Rules and regulations |

Sec. 11-40. Findings, purpose and intent.

The City Council finds that block parties can foster better relationships among neighbors and create a stronger-knit community. The purpose of this Article is to provide reasonable and necessary regulation of neighborhood block parties in the interest of the public health, safety, and welfare, and to establish a process for issuing permits for holding a block party on a local street as set forth herein. Parties organized by commercial or business interests, or located in non-residential areas of the City, or that are advertised and/or open to the broader public are permitted under Article 3 of this Chapter.

Sec. 11-41. Definitions.

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

Block party or neighborhood block party means a neighborhood social event intended to take place, and actually taking place, in whole or in part on a road in a residential area, and which obstructs vehicular traffic.

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

Local street means a local road that is situated completely within the single-family residential area where a block party takes place. A local street shall not include a collector street or road.

Person shall mean an individual, partnership, corporation, association, or other entity.

Residential area shall mean an area consisting of one-family and two-family dwellings, as defined in Chapter 16 of this Code.

Sec. 11-42. Permit required; application; fee.

(a) No City street may be blocked or closed to traffic for a block party without a permit therefor having first been obtained pursuant to this Article.

(b) An application for a permit to conduct a block party must be submitted by an authorized person on a form provided by the City Clerk at least thirty (30) calendar days prior to the date of the block party. The applicant shall identify the local street or portion thereof where the block party is proposed to take place. Within twenty (20) calendar days after receipt of the application, the Clerk shall approve the application for a permit, with or without conditions, or deny the application. If the application is denied, the reasons for denial shall be provided to the applicant in writing. Before making a decision regarding the application, the Clerk may refer the application to the police department, the public works department, the community development department, the Mountain View Fire Rescue District, the Carbon Valley Emergency Coordinator, and any other department, district, or person the Clerk deems appropriate, and consider such comments and suggested conditions when determining whether to approve or deny the application.

(c) If the neighborhood where the block party is planned is governed by a homeowners association, the applicant for the permit may be the association, acting through its representative board of directors, or one (1) or more neighborhood residents. If the neighborhood is not governed by a homeowners association, the applicant shall be one (1) or more neighborhood residents. All applications shall be accompanied by a petition of support signed by persons residing in a majority of the homes on the local street where the block party is planned to take place. At homes where residents are unavailable to sign the petition, the applicant shall leave written notice of the proposed closure, indicating the street to be closed with the date and hours specified, and notifying the resident they may contact the City Clerk with any objection to the requested closure.

(d) If issued, such a permit shall be valid only for the date and time period for the block party as set forth in the permit. The City's public works department will provide barricades for use in blocking the street, but the permittee, not the City, shall be responsible for setting up and removing the barricades, regulating traffic, and for notifying affected individuals that the block party is scheduled to take place.

(e) The City shall not be responsible or liable for any injury, death, or damage to property that may occur during the course of the block party. The permittee and participants shall be responsible or liable for, and shall indemnify and hold the City harmless for, any such injury, death, or damage, and they shall assume all risk of holding and participating in the block party in the local street. As a condition of issuance of any permit pursuant to this Article, the applicant acknowledges that private homeowners' or commercial liability insurance may not provide the applicant with liability coverage for accidents that occur outside of the applicant's private property and in the public right-of-way. Applicants are

encouraged to purchase such insurance or take other measures as the applicant deems reasonable and necessary to protect the applicant from liability for damages in connection with the block party.

(f) Fees as set by resolution of the City Council shall be included with the application.

Sec. 11-43. Requirements for conduct of block party.

A block party shall be subject to the following requirements:

- (a) The block party shall take place only within a residential area;
- (b) The block party permit shall be posted in a conspicuous location where the block party takes place;
- (c) The road where the block party takes place shall be a local street;
- (d) A block party shall not take place on a particular street more than four (4) times per calendar year;
- (e) The block party shall begin no earlier than 10:00 a.m. and shall end no later than 10:00 p.m. the same day;
- (f) The block party shall not be open to the general public;
- (g) An admission fee shall not be charged or solicited to attend the block party;
- (h) The anticipated attendance shall not equal or exceed one hundred (100) persons at any point in time;
- (i) Alcoholic beverages shall not be permitted, served, or consumed on the local street;
- (j) The permittee shall control the parking of motor vehicles so as not to create a hazard or an unsafe condition adjacent to or near the location of the block party, shall place cones, a movable barricade or the like at the site of the local street where the block party takes place, and shall ensure that no motor vehicles, inflatables, tents, canopies, banners, stages, and/or fixed barriers obstruct access to the street;
- (k) The local street that is used for the block party shall not be damaged, and structures shall not be affixed to it;

(l) Food trucks and other commercial vendors are allowed to operate in the local street, sidewalk, or other right-of-way where the block party takes place, subject to all City licensing requirements;

(m) Sound amplification equipment or similar devices shall comply with Section 10-123 of this Code.

(n) The block party shall be subject to the conditions of the block party permit, if any; and

(o) The block party shall be subject to all other applicable laws and ordinances.

Sec. 11-44. Suspension or revocation of permit.

The Clerk may suspend or revoke a block party permit if the block party will be conducted or is being conducted in a manner contrary to the permit or to any of the provisions of this Article. Suspension or revocation of a block party permit, or a finding that a block party was not conducted in compliance with the permit or any provision of this Article, shall be good cause to deny a future block party permit application filed by the same person or for the same local street.

Sec. 11-45. Rules and regulations.

The Clerk may enact reasonable rules and regulations to implement the provisions of this Article.

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 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. 916, **“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.