

ORDINANCE NO. 14-09

**AN ORDINANCE AMENDING CHAPTER 11 OF THE
CITY OF CASTLE PINES MUNICIPAL CODE
TO ADD A NEW ARTICLE VII
REGARDING SPECIAL EVENTS PERMITS**

WHEREAS, from time to time, the City of Castle Pines (“City”) is asked to permit a special event or demonstration to take place in or upon any City property or streets within the City; and

WHEREAS, the City desires to ensure that the public health and safety and the integrity of the public improvements are maintained and to balance those concerns against the benefits of holding such special events within the City; and

WHEREAS, the City desires to adopt a permit program for special events that take place on public property which will ensure that any sponsors of special events have adequate safeguards in place to protect the public health and safety, ensure minimal disruption to traffic flow, maintain the integrity of the City’s public improvements and minimize liability exposure for the City.

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

Section 1. Chapter 11, titled Streets, Sidewalks and Public Property, of the City of Castle Pines Municipal Code is hereby amended to add a new Article VII titled “Special Events and Demonstrations” to read in full as follows:

Article VII. Special Events and Demonstrations

Section 11-7-10 Purpose.

This Article establishes the standards for the issuance of a permit for special events and demonstrations held on City property in the City of Castle Pines.

Section 11-7-20 Definitions.

Applicant means any person who seeks a permit from the City to conduct or sponsor an event governed by this Article. An individual applicant must be eighteen (18) years of age or older.

Block party means a festive gathering on a street, sidewalk or other City property requiring the closure of a street or a portion thereof to vehicular traffic and use of the street or City property for the festivity, including but not limited to barbecues, picnics, music, or games.

City property means any real property owned or leased by the City of Castle Pines including but not limited to streets, sidewalks, and parks.

Coordinator means the City Manager or his or her assignee to oversee and coordinate the permit program contemplated by this Article.

Demonstration means a rally, picketing, speechmaking, marching, vigil, religious services or any other similar gathering or parade that primarily involves the communication or expression of views or grievances, engaged in by more than one (1) person, that occurs on any City street, including sidewalks, or on other City property, which demonstration does not comply with traffic laws and controls or which may, in the judgment of the Coordinator (which may be based on consultation with City law enforcement, public works or executive staff), obstruct, delay or interfere with the normal activities, operations or flow of pedestrian or vehicular traffic on the property, or which may create a significant risk of injury to any person.

Event means all demonstrations and special events for which a permit is required under this Article.

Parade means a march or procession consisting of persons, animals or vehicles, or combination thereof, on any street, including sidewalks, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws or controls.

Permit or event permit means a permit issued for either a demonstration or special event.

Permittee means any person that has been issued an event permit by the Coordinator.

Person shall have the same meaning as set forth in Section 1-2-10 of the Municipal Code.

Sidewalk shall have the same meaning as set forth in Section 1-2-10 of the Municipal Code.

Special event means a parade, athletic contest, street fair, art and craft show, carnival, block party, soap box derby, or other outdoor event which is not a demonstration as defined in this Section, that occurs on a City street, including sidewalks, or on other City property, which event does not comply with traffic laws and controls or which may, in the judgment of the Coordinator (which may be based on consultation with City law enforcement, public works or executive staff), obstruct, delay or interfere with the normal activities, operations or flow of pedestrian or vehicular traffic on the property or which may create a significant risk of injury to the public or participants in the event or other persons.

Street shall have the same meaning as set forth in Section 1-2-10 of the Municipal Code.

Section 11-7-30 Permit required; exceptions.

- (a) Except as set forth in (b) below, no person shall conduct an event or demonstration on City property without first obtaining a permit from the Coordinator.
- (b) An event permit shall not be required for the following:
 - (1) Parades involving a total of thirty (30) or fewer pedestrians marching along a route that is restricted to sidewalks and which cross streets only at pedestrian crosswalks in accordance with traffic regulations and controls;

pedestrians participating in such parades shall cross streets in groups of ten (10) people or less, and shall allow vehicles to pass between each group.

- (2) Funeral processions.

Section 11-7-40 Application procedure; fee.

- (a) Any person desiring to conduct or sponsor an event not exempted by Section 11-7-30 shall apply for an event permit by filing an application with the Coordinator on a form supplied by the Coordinator. Complete applications must be submitted not less than fifteen (15) business days nor more than one (1) year before the event date. If the applicant desires to serve or sell alcohol or malt beverages, applications for liquor licenses required, if any, must be filed in advance of the event date in accordance with the state liquor code, regulations and rules.
- (b) The application for a permit shall be accompanied by a nonrefundable permit application fee in an amount set by resolution as approved by City Council. The fee shall cover, but not exceed, the full cost of processing and investigating such permit application and administering the permit program. The application for a permit shall be accompanied by a refundable clean-up deposit in an amount set by resolution as approved by City Council.

Section 11-7-50 Administrative action on application.

The Coordinator shall approve, conditionally approve or deny an application on the grounds specified in Section 11-7-60. Such action shall be taken no later than ten (10) business days after receiving a completed application and fee, if applicable. If the application is denied or conditionally approved, the Coordinator shall inform the applicant in writing of the grounds for denial or the conditions on the permit and the applicant's right of appeal.

Section 11-7-60 Grounds for denial of application.

- (a) The Coordinator shall approve an application for an event permit unless he or she determines, from a consideration of the application and other pertinent information, that:
 - (1) Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material detail; or
 - (2) The applicant fails to complete the application form after having been notified of the additional information or documents required; or
 - (3) Another event permit or application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the Sheriff's Department is unable to meet the needs for law enforcement services for both events; or
 - (4) The time, route or size 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 street or highway; or

- (5) The size, nature or location of the event will present a substantial risk to the health or safety of the public or participants in the event or other persons; or
 - (6) The size of the event will require diversion of so great a number of law enforcement officers of the Sheriff's Department 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, although 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 adequate protection of participants with the number of law enforcement officers available to police the event; or
 - (7) The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the City streets or City property; or
 - (8) The event shall 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; or
 - (9) The event involves the use of hazardous, combustible or flammable materials which could create a fire hazard; or
 - (10) The event will violate an ordinance or statute.
- (b) When the grounds for denial of an application for a permit specified in subsections (a)(3) through (a)(9) above can be corrected by altering the date, time, duration, route or location of the event, the Coordinator may, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modification of the applicant's proposed event as are necessary to achieve compliance with said subsections.

Section 11-7-70 Permit conditions.

The Coordinator may condition the issuance of an event permit by imposing reasonable requirements concerning the time, place and route of the event and such requirements as are necessary to protect the safety of persons and property and the control of traffic. Such conditions include but are not limited to the following:

- (a) Alteration of the date, time, route or location of the event;
- (b) Conditions concerning the area of assembly and disbanding of parades or other events occurring along a route;
- (c) Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street;

- (d) Requirements for the use of traffic cones, barricades or other traffic-control devices or personnel to be provided, placed and removed by the permittee at its expense;
- (e) Requirements for provision of first aid or sanitary facilities;
- (f) Requirements for arrangement of supplemental fire protection personnel to be present at event at the permittee's expense;
- (g) Requirements that the permittee contract with the Sheriff's Department personnel to be present at the event at permittee's expense to provide traffic control and safety services, crowd control and safety services and other law enforcement services;
- (h) Requirements for use of event monitors and providing notice of permit conditions to event participants;
- (i) Restrictions on the number and type of vehicles, animals or structures at the event and inspection and approval of floats, structures and decorated vehicles for fire safety by the fire protection district in whose jurisdiction the event is scheduled to occur;
- (j) Requirements for use of garbage containers, cleanup and restoration of City property, including a cleanup deposit;
- (k) Restrictions on use of amplified sound;
- (l) A requirement that an event permit to conduct a block party may be conditioned on the giving of notice to the residents of dwellings along the affected street(s);
- (m) A requirement for public liability insurance to protect against loss from liability imposed by law consistent with the Colorado Governmental Immunities Act for damages on account of bodily injury and property damage arising from the event; or
- (n) Compliance with any relevant law and obtaining any legally required permit or license.

Section 11-7-80 Appeal procedure.

The applicant shall have the right to appeal the denial of a permit or a permit condition. A notice of appeal shall be filed with the City Clerk setting forth the grounds for the appeal within five (5) business days after mailing or personal delivery of a notice of denial or permit condition. The City Clerk shall schedule a hearing before the City Council to consider the appeal no later than thirty (30) business days after the filing of the appeal. In the event that a notice of appeal is filed in accordance herewith but fewer than thirty (30) business days prior to the requested date for an event for which a permit has been denied, the City Council shall make reasonable efforts to hold a hearing and issue a decision at the next regularly scheduled Council meeting following the filing of the appeal. The City Council's decision shall be final, subject only to such judicial review as may be permitted by law.

Section 11-7-90 Permit issuance.

If the Coordinator determines that a permit should be granted, the Coordinator shall issue the event permit once the applicant has agreed in writing to comply with all terms and conditions of the permit and has complied with all sections of this Article.

Section 11-7-100 Indemnification agreement.

Prior to the issuance of an event permit, the Coordinator shall require the applicant to reimburse the City for any costs incurred by it in repairing damage to City property occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents, or any person who was under the permittee's control. The permittee shall defend the City against, and indemnify and hold the City harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents, or any person who was under the permittee's control. Persons who merely participate in an event are not considered by that reason alone to be "under the control" of the permittee.

Section 11-7-110 Duties of permittee.

- (a) The permittee shall comply with all terms and conditions of the event permit.
- (b) The permittee shall ensure that the person leading a parade or other event along a route, or the person in charge of any other event, is familiar with all the provisions of the permit and carries the event permit on his or her person for the duration of the event.
- (c) The permittee shall ensure that the area on City Property used for the event is cleaned and restored to the same condition as existed prior to the event, immediately following the completion of the event.

Section 11-7-120 Revocation of permit.

- (a) The Coordinator or a designee may, at any time prior to an event, revoke or terminate a permit that has been issued for the event if conditions change so that the permit application could have been denied in the first instance.
- (b) The Coordinator or a designee may revoke or terminate the permit during the course of the event if continuation of the event presents a clear and present danger to the participants or the public.

Section 11-7-130 Violations and Penalty.

- (a) It is unlawful for any person to conduct a parade, athletic event, other special event or demonstration requiring an event permit unless a permit has been issued for the event. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a permit.
- (b) It is unlawful for any person to interfere with or disrupt a lawful parade, athletic event or other special event.
- (c) The event permit authorizes the permittee to conduct only such event as is described in the permit in accordance with the terms and conditions of the permit.

It is unlawful for the permittee to knowingly violate the terms and conditions of the permit, or for any event participant with knowledge thereof to knowingly violate the terms and conditions of the permit.

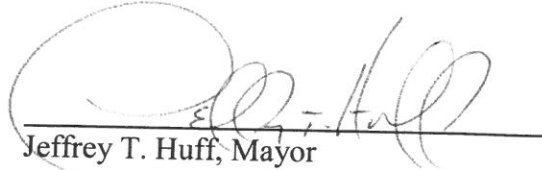
- (d) Any person who violates this Article VII, upon conviction thereof, shall be punished in accordance with Section 1-4 of this Code.

Section 2. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after publication following final adoption.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 26TH DAY OF AUGUST, 2014.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 14TH DAY OF OCTOBER, 2014.


Jeffrey T. Huff, Mayor

ATTEST:


Diane Spomer, CMC, City Clerk

Approved as to form:


Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a noticed public meeting of the Castle Pines City Council on August 26, 2014; published by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of all ordinances is available through the City Offices and on the City’s official website”; and finally passed and adopted by the City Council on October 14, 2014 following a duly noticed public meeting and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on October 23, 2014.

ATTEST:


Diane Spomer, CMC, City Clerk