

COPY

TOWN OF TIMNATH

ORDINANCE NO. 5-2005

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE
TOWN OF TIMNATH AMENDING CHAPTER 6 OF THE
TIMNATH MUNICIPAL CODE REGARDING SPECIAL
EVENT PERMITS**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF
TIMNATH:**

Section 1. The Title of Chapter 6 is changed from “Business Licenses and Regulations” to “Licenses, Permits and Regulations.”

Section 2. A new Article VI is added to Chapter 6 to read as follows:

ARTICLE VI SPECIAL EVENT PERMITS

6.1 Purpose

A special event permit is required to provide for the temporary use of land within the Town for gatherings of 300 people or more, to provide for the orderly control of such events, to ensure that the promoter or sponsor of the event is aware of special circumstances, to minimize any negative impacts on surrounding properties, residents or businesses, and to provide for appropriate traffic and safety controls. This permit is not the same as and does not supercede any requirement of the State of Colorado or Larimer County or the Town regarding Special Event permits related to alcoholic beverages. This permit does not supercede any requirements from the Larimer County Health Department.

6.2 Permit Required

It shall be unlawful for any person or entity to allow a Special Event to occur within the Town without first having obtained a Special Event Permit

6.3 Definition

A. Special Event means the use of any land, street, right-of-way, park, building or structure for a gathering where it is reasonably anticipated that attendance will exceed 300 people at any single time, at any location, for any purpose. Special Events include, but are not limited to carnivals, circuses, concerts, revivals, flea markets, craft fairs, parades, fundraisers, parties, or farmers markets or stands for sale of seasonal products when sold other than on the site where the product is grown; a bicycle race or ride; foot race or walk; a motored vehicle event; a temporary road closure for purposes other than normal highway uses, or any other event utilizing a Town road or other Town property that requires changing, restricting, or adapting the normal traffic use of such a road.

B. Special Events do not include gatherings at any regularly established, permanent place of worship, school, stadium, athletic field, arena, auditorium, fairgrounds, picnic or camping area, polling places for elections, or other similar permanently established place of assembly

provided that such place is being used for its established and normal use allowed by zoning, attendance does not exceed the maximum seating capacity of the structure or place where the gathering is held, and the gathering complies with all other applicable Code provisions, resolutions and regulations.

C. A Special Event shall not exceed thirty days duration, either consecutively or cumulatively in any calendar year.

6.4 Application Process

A. Application

1. The name, residence and mailing address of all persons signing the application, and in the case of a corporation, a copy of the Articles of Incorporation and Certificate of Good Standing from the Colorado Secretary of State's Office;

2. The address and legal description of all property upon which the event is to be held, together with the name, residence and mailing address of the record owners of the property;

3. A written description indicating: the type of event, the event sponsor(s), the location of the event or event route, a list of all streets affected, the duration of the event, the hours of operation, the expected water requirements (including the source and supply of water), the number of employees/volunteers, the number and location of toilets, the maximum number of persons that will be permitted to attend at any single time, the methods applicants will use to insure the maximum number of allowed attendees at any single time is not exceeded, food or alcoholic beverages to be served, temporary structures or fences proposed, the anticipated parking needs and how the need is to be addressed, a statement of expected impacts to the subject land and surrounding properties, and a statement describing how impacts on surrounding properties will be minimized;

4. A sketch with dimensions, showing all of the following: existing and proposed buildings, internal streets on the event site, adjacent offsite streets, property lines on the proposed site and on abutting properties, the location of the event or event route, the location of proposed structures (including restrooms, storage bins, trash receptacles, and temporary buildings), the location of traffic controls proposed (including road barriers, detour signs, traffic control lights, traffic personnel, etc.), access to/from the site, parking areas (showing access, number of parking spaces, parking barriers, surfacing, and other plans for parking), and activity areas (e.g. parking areas, food and beverage areas, toilet facility areas, seating areas and other areas designated for a particular use);

5. A description of any signage associated with the event. Temporary signs to promote or identify an approved Special Event are subject to the following restrictions:

- a. All Special Event signs must be located on the lot that is the site of the Special Event;

- b. The maximum sign size is 32 square feet;
- c. Each approved Special Event is limited to one sign per street frontage of the lot that is the site of the Special Event;
- d. Banners are permitted as long as the total square footage of all banners does not exceed 100 square feet; and
- e. Signs and banners promoting or identifying a Special Event are not subject to a separate permitting requirement but all such signs and banners must be removed from the site within 24 hours of the end of the approved Special Event.

6. Written confirmation from the property owner(s) agreeing to the use of their property for the Special Event or a copy of the lease agreement showing that the Special Event is allowed to occur on the property;

7. Evidence that all other necessary permits or licenses have been or will be obtained including but not limited to permits to serve alcoholic beverages and meeting all Larimer County Health Department requirements;

8. A nonrefundable application process fee in the amount set forth in Chapter 4 of this Code;

9. Any applicant wishing to utilize Town road right-of-way shall submit an application accompanied by an insurance certificate specifically naming the Town as additional insured on the sponsor/organizers insurance policy. This certificate is to be specific to the event, in the minimum amounts specified by the Town attorney.

10. Any applicant wishing to utilize Town road right-of-way shall secure appropriate jurisdictional approval in writing for any county and/or state roads that may be part of a proposed event route.

11. Any applicant wishing to utilize Town road right-of-way shall submit a detailed traffic control plan, including any alternative routes or detours, based on the current Colorado Department of Highways 'S' Standards and the Manual on Uniform Traffic Control Devices (MUTCD). Installation and maintenance of the traffic control devices required on the traffic control plan shall be at the Applicant's expense.

12. Any applicant wishing to utilize Town road right-of-way shall erect and maintain, at Applicant's expense, necessary barricades, flashers, and signs, as approved by the Town Engineer, and take all necessary precautions for public safety and convenience. The traffic control devices must be removed immediately following the close of the event.

13. Any applicant wishing to utilize Town road right-of-way must notify all affected property owners within the road closure a minimum of ten (10) days prior to the event. the road closure notice is subject to review by the Town and must be submitted to the Town Administrator fourteen (14) days prior to the event.

14. Any applicant wishing to utilize Town road right-of-way shall make any directional or other markings on the road surface temporary. Markings must be removable or of a material that will degrade or dissipate within seven (7) days of the event. Use of permanent markings of any kind along the route of the event will result in the forfeiture of any guarantees provided by the applicant, and possible additional charges assessed against the applicant to cover the cost of removing the road markings.

15. Guarantees in the form of a Irrevocable Letter of Credit or, bond, or cash retainer in an amount to be determined by the Town Administrator to cover the cost required for clean-up following the Special Event may be required. Any letter of credit, bond or cash retainer must be irrevocable for a period of 30 days after the completion of the event. The letter of credit, bond or cash retainer will be released by the Town as soon as possible after the event, after determination that the site has been adequately cleaned-up and restored from any impacts of the event. If the Town has not made a determination on retention or return of the guarantee within 30 days following the event, said guarantee will be returned to the applicant.

16. Any additional information as the Town Administrator deems necessary to evaluate the Special Event.

B. Application Review

Upon determining that the Special Event Permit Application is complete the Administrator may refer the Application to any other department, agency or official with jurisdiction whose consideration the Administrator deems essential to a full and complete assessment. The applicant is responsible for providing the necessary number of copies of the application for this referral. In reviewing the application, the Administrator will consider the following:

1. The adequacy of the site sketch.
2. The adequacy of the site to accommodate the Special Event proposed.
3. The degree to which the Special Event complies or will be able to comply with the requirements of this Article.
4. The preservation of the health, safety and welfare of the public and surrounding properties and uses.

C. Action on Application

Within 30 days of filing of a complete Special Event Application, the Administrator will take one of the following actions:

1. Issue the permit with conditions: The Administrator will issue the permit with any conditions deemed necessary to minimize potential adverse impacts and meet the intent and purpose of this Article.
2. Deny the permit: If the proposed Special Event fails to conform with the applicable provisions, requirements or standards of this Article, the Administrator will deny the permit. If denied, the Administrator shall specify the reasons therefore, in writing, citing specific requirements, provisions and standards in this Article or in application provisions of other laws, rules or regulations that were not met.

D. Appeals

Any decision by the Administrator to either grant or deny the Special Event Permit may be appealed to the Board of Trustees. The Town must receive the written appeal request within five calendar days following the date of the Administrator's decision. The appeal must be in writing and state specifically why the Administrator's decision is incorrect or inconsistent with the provisions, intent or purpose of this Article. The Board will consider the appeal at a meeting and may overturn or modify the Administrator's decision if the Board determines the Administrator's decision is incorrect or inconsistent with the provisions, intent or purpose of this Article.

E. Special Event Performance Standards

Special Events shall be required to comply with conditions adopted by the Town consistent with this Article, which conditions may include posting of cash or a letter of credit to ensure that clean up after the Event will occur.

F. Site Clean Up and Restoration

Within forty-eight (48) hours of cessation of the event, the Special Event site shall be returned to its previous condition by the applicant, including removal of all temporary buildings and structures, trash, debris, signage, attention-attracting devices or other evidence of the Special Event.

6.5 Compliance with Other Regulations

Special Events shall be subject to all applicable requirements of this Article, the Code, and any other applicable laws, rules or regulations. Issuance of a Special Event Permit shall not relieve the landowner or the applicant of the responsibility for security other permits or approvals required by the Town or any other agency with jurisdiction.

6.6 Enforcement

A. Inspections: The Town or its representatives may enter and inspect the Special Event site from time to time to ensure compliance with the Special Event Permit conditions and to enforce the provisions of this Article.

B. Permit Available: The Special Event Permit issued by the Town must be available for inspection on the Special Event site at all times during the event.

C. Suspension and Revocation of Permit: The Administrator may suspend or revoke a Special Event Permit for violation of any provision of this Article or any other applicable law, rule or regulation, for violation of the Permit conditions, or for any misrepresentation by the applicant, its agents or employees or independent contractors under contract with the applicant. The decision of the Administrator to suspend or revoke a Permit may be appealed to the Board of Trustees. No event shall occur while a suspension or revocation appeal is pending except as authorized by the Administrator. By signing the application, the applicant agrees that the Town's designated law enforcement may enter the Special Event site and cause the Special Event to be stopped upon suspension or revocation or violation of the terms and conditions of the Special Event Permit.

Section 3. Penalty. Violations of this ordinance shall be punishable in accordance with Article IV of Chapter 1, Section 1-72 of the Timnath Municipal Code.


Section 4. Repeal. 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.

Section 5. Severability. 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 Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.


Section 6. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 6th day of July, 2005.

ATTEST:



Donna Benson, Mayor



Linda Thompson, Town Clerk
Diane Howell