

**TOWN OF BLUE RIVER, COLORADO**

**ORDINANCE NO. 2022-02**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO, ADOPTING A NEW ARTICLE IV OF CHAPTER 6 TO REQUIRE SPECIAL EVENT PERMITS FOR CERTAIN ACTIVITIES WITHIN THE TOWN OF BLUE RIVER.**

**WHEREAS**, the Town of Blue River, Colorado (“Town”) is a statutory municipality, duly organized and existing under the laws of the state of Colorado;

**WHEREAS**, pursuant to Article 31, C.R.S., the Town possesses the statutory authority to regulate business activities and the use of both public and private property to protect the health, safety, and welfare of the Town of Blue River;

**WHEREAS**, certain events held in the Town may impact public safety, impede the flow of pedestrian and vehicular traffic, create conflicts between vehicles and pedestrian traffic, cause degradation of public improvements, and create noise and trash inconsistent with the quiet residential mountain character of the Town of Blue River;

**WHEREAS**, the Town’s law enforcement and administrative personnel are better able to respond to issues affecting public safety when alerted in advance to the timing, location, and nature of special events occurring in the Town; and

**WHEREAS**, a permit application process will reasonably allow the Town to manage competing uses of its public safety personnel and resources,

**BE IT ORDAINED** by the Board of Trustees of the Town of Blue River, Colorado, as follows:

**Section 1. Adoption of New Article IV of Chapter 6 of the Blue River Municipal Code.** A new Article IV of Chapter 6 of the Municipal Code of the Town of Blue River is hereby adopted and added to read in full as follows:

***ARTICLE IV Special Event and Public Property Use Permits***

**Sec. 6-4-10. Purpose**

Special events and public property use as defined by this Article present a risk of adverse impacts to the quiet enjoyment of residential property and the mountain character of the Town of Blue River. Therefore, these activities are generally considered as undesirable and disfavored. A permit for such activities can be issued only where the Town determines in advance that the proposed special event or public property use can be conducted in a manner that will avoid or significantly and substantially mitigate adverse impacts in accordance with this Article.

## Sec. 6-4-20. Definitions

For the purposes of this Article, the following definitions shall apply notwithstanding a definition provided for the same term or phrase by other Chapters or Articles of the Municipal Code:

*Special event* means a gathering or an event, whether conducted on a single date or multiple dates, under the organization, direction, or control of a person or entity, including a parade, party, sporting activity or competition, celebration, or congregation for any purpose regardless of political, religious, commercial, social, or other purpose and:

- (1) Proposes or necessitates the closing of a public right-of-way that is available for use by and access to the public and or is available and necessary for access by emergency services to one or more residences;
- (2) Proposes or necessitates the blocking or restriction of access to public property, including public rights-of-way; or
- (3) Involves anticipated or actual participation by thirty (30) or more persons on public property; or
- (4) Will offer for sale merchandise, food, or beverages on public property; or
- (5) Involves the erection of a tent or canopy on public property; or
- (6) Involves the installation of a stage, band shell, trailer, van, portable building, grandstand or bleachers on public property or on private property; or
- (7) Involves the placement of temporary informational signs including, but not limited to: no-parking, directional, identification or special event signs or banners in or over a public right-of-way.

*Public Property Use* means:

- (1) Use of the Town right-of-way for permanent or temporary storage of construction materials or construction equipment, earth, organic materials, or other use that will block or impair the access of all or any portion of the right-of-way; or
- (2) Placement of a dumpster, storage pod, or any other item that will block or impair the access of all or any portion of the right of way.

**Section 6-4-30. Permit Required; Enforcement.**

- (a) A Town-issued permit is required for any special event or public property use. The processing of an application and the decision regarding the issuance of a permit shall be an administrative action by the Town. Although administrative, the Town may submit the application to the Board of Trustees for evaluation and public comment on the proposal may be considered in determining impacts of the proposed event or use.
- (b) Failure to obtain a permit for a special event or a public property use or to otherwise fail to comply with the requirements of this Article shall be unlawful and a violation of the Municipal Code.
- (c) In addition to any other remedy provided by law, the Town is authorized as a matter of the immediate protection of public health and safety to close, shut down, curtail, limit, or otherwise abate a special event or public property use that is:
  - (1) conducted without a permit as required by this Article; or
  - (2) conducted in breach or in violation of a permit condition or a requirement of the Municipal Code.

**Section 6-4-40. Administrative Exemption Authorized.**

- (a) The Town Manager is authorized to issue a written administrative exemption for a proposed special event or public property use if the Town Manager finds that the proposed event or use will not, if conducted as proposed and described, present the potential for any significant adverse impacts. Prior to issuing an administrative exemption, the Town Manager shall require the submission of proposal and description of the event for use sufficient to describe the scope and extent of proposal.
- (b) The Town Manager is authorized to impose conditions upon the issuance of an administrative exemption designed to ensure compliance with the submitted proposal or description and to avoid or mitigate any potential for adverse impacts. Such conditions may be evidenced by written agreement with the applicant for sponsor of the event or use.
- (c) Issuance of an administrative exemption shall authorize the proposed event or use only to the extent conducted as proposed and as represented to the Town Manager. Notwithstanding the, the Town may enforce the provisions of this Article and specifically Section 6-4-30 where the event or use is conducted in a manner that deviates from the proposal and description upon which the administrative exemption granted.

**Sec. 6-4-50. Permit Application.**

- (a) The Town Manager is authorized to promulgate application forms, directives, guidelines, and sample agreements for the administration and implementation of this Article. Applicants are encouraged to review posted information and instructions on the Town's website or to contact the Town Manager in advance of submitting an application.
  
- (b) An applicant for a permit under this Article shall submit a completed application form for the proposed special event or public property use to the Town Manager. Such form will require the following, if deemed applicable by the Town Manager:
  - (1) A description of the special event or public property use including the nature and extent of the event or use;
  - (2) Name, address, electronic mail address, and phone number of the responsible organizer;
  - (3) Date, time, duration, and place of the special event or public property use;
  - (4) Projected number of participants expected;
  - (5) Proof of liability insurance in a form acceptable to the Town;
  - (6) An operations plan which details plans for: (i) the route or access to and from the event or the use; (ii) parking management; (iii) rights-of-way to be closed, blocked, or used for the special event or public property use; (iv) method to manage and prevent conflicts between vehicular traffic and pedestrians including staffing by law enforcement or other personnel at points of potential conflict; (v) use and location of equipment or improvements such as trucks, trailers, tents, trash receptacles and dumpsters; (vi) provision of emergency medical services, sanitary facilities, communications, and signage; and
  - (7) Other information deemed necessary by the Town for the full evaluation of the impacts of the special event or public property use.

**Sec. 6-4-60. Application Deadline.**

Applications shall be submitted to the Town a minimum of sixty (60) days prior to the first date of a special event or thirty (30) days prior to the first date of public property use to allow for adequate and timely processing of the application in advance of the event. Late applications may be rejected at the discretion of the Town Manager where insufficient time is available to ensure complete evaluation and processing of the application.

**Sec. 6-4-70. Review Process.**

- (a) Upon receipt of an application for a special event or public property use permit, the Town Manager shall submit the application to other departments and to potentially affected public and private service providers. The Town Manager may refer an application to the Board of Trustees for administrative review and comment, in the Manager's discretion.

- (b) Based on the scope, extent, and potential impacts of the proposed special event or public property use, the Town Manager may require that the applicant provide notice of the proposal (or to pay the costs of Town-provided notice) to property owners, governmental agencies, and other persons or entities likely impacted by the proposed special event or public property use. For most applications, notice to owners of property within three hundred (300) feet of the event or use will be deemed a reasonable and minimum requirement. The content, addressees, and manner of the notice shall be determined by the Town Manager. Any required notice shall be provided as a courtesy to recipients and shall not result in an obligation that the Town conduct a public hearing or otherwise solicit or receive public comment on the application.

**Sec. 6-4-80. Conditions Authorized.**

- (a) The Town Manager shall consider the following matters or issues in making a determination regarding the issuance of a permit and may impose reasonable conditions to address concerns:
  - (1) Availability of parking;
  - (2) Methods of traffic control and conflicts;
  - (3) Anticipated trash and noise;
  - (4) Hazard to persons or property and insurance coverage for related liability;
  - (5) Availability and needs related to security;
  - (6) Appropriate licensing and sales tax compliance;
  - (7) Availability of sanitation facilities;
  - (8) Provisions for cleanup during and following the event or use;
  - (9) Other matters or issues reasonably related to the event or use that may create adverse impacts to property within the vicinity of the event or use or within the Town.
- (b) Upon a determination of the Town Manager that the event or use potentially presents more significant impacts or presents a risk to the Town's resources including Town property or personnel, the Manager may require as a condition of the permit the execution by the applicant of an agreement for the event or use imposing obligations and expectations on upon the applicant for the protection of the health and safety of the Town and its residents.

**Sec. 6-4-90. Decision.**

- (a) After completion of the administrative review, the Town Manager shall issue a written decision approving, conditionally approving, or denying the application.
- (b) The Manager shall deny an application where the Manager determines that the proposed special event or public property use will likely create adverse impacts which cannot be reasonably avoided or substantially and significantly mitigated or which present an unacceptable risk of impact to the quiet enjoyment of property or the mountain character of the Town of Blue River.

- (c) The Manager's decision shall be either personally delivered to the applicant, sent by electronic mail; or sent via regular mail to the applicant's address indicated on the application. An applicant may request to receive verbal notification of the Town Manager's decision in addition to written notice.

**Sec. 6-4-100. Deposit.**

A deposit may be required by the Town Manager to assure completion of cleanup, collection of sales tax, or compliance with specific conditions placed on the permit. The fee deposit for application conditions, except for collection of sales tax, shall be refundable upon successful completion of application conditions. The deposit shall not exceed the reasonable cost of compliance with such conditions. Failure to comply or fulfill conditions of the permit shall be sufficient basis for the applicant's forfeiture of his or her deposit, in which instance the Town shall use the deposit to meet the conditions.

**Sec. 6-4-110. Appeals.**

An applicant may appeal the denial or any condition imposed on the approval of an application by the Town Manager to the Board of Trustees by submitting a written request and specific or detailed explanation of the basis for the appeal to the Town Manager within seven (7) days of the written decision issued in accordance with this Article. The Town Manager shall schedule the matter before the Board of Trustees at the next available regular Board of Trustees meeting. All appeals shall be administrative in nature and a hearing shall not be required although the applicant may appear and respond to questions from the Board. When reviewing an appeal, the Board of Trustees shall be limited in its review to whether the Town Manager abused his or her discretion under this Article and, if necessary, to remand the matter to the Manager for a final decision.

**Sec. 6-4-120. Terms of Permit and Duties of Permit Holder; Revocation.**

- (a) A permit issued under this Article shall authorize the one-time occurrence of a special event or use. For annual or other periodic events, an applicant must obtain a new permit each year or recurring period.
- (b) Notwithstanding any express condition of the permit or agreement required for permit issuance, the permit holder must comply with the following duties:
  - (1) The permit holder shall comply with all terms and conditions of the permit.
  - (2) Immediately following the completion of the event or use, the permit holder shall ensure that the area used for the event or use is cleaned and restored to the same condition as existed prior to the event or use. If the property used for the event or use has not been properly cleaned or restored, the permit holder shall be required to reimburse the Town for any costs incurred by the Town to restore the area.

- (c) The Town is authorized as a matter of the immediate protection of public health and safety to close, shut down, curtail, or otherwise abate a special event or public property use that fails to immediately comply upon demand with a condition of the permit.

**Sec. 6-4-120. Penalty.**

Any person found to have violated any provision of this Article shall be subject to a fine as set forth in Section 1-4-20 of this Code in addition to any other remedy provided by law.

**Section 2** **Severability.** Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

**Section 3.** **Repeal.** Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

**Section 4.** **Minor Revision or Correction Authorized.** The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

**Section 5.** **Effective Date.** The provisions of this Ordinance shall become effective thirty (30) days after publication following the final passage.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED** at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the 2<sup>nd</sup> day of September, 2022.

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Mayor

ATTEST:

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Town Clerk

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