

**Special Event or Event:** Any organized gathering of people either by express invitation or by implication for any purpose for a limited period of time for entertainment, conference activities, nonprofit events, ski area events which is sponsored by a for-profit or nonprofit individual, group, organization or entity, and when the following criteria are met as solely determined by the Town:

1. The expenditure of Town resources or infrastructure is contemplated or is deemed necessary by Town personnel to maintain public health, safety and welfare; and
2. The event is expected to have a significant adverse visual, noise, environmental or other adverse impacts upon the immediate vicinity or surrounding area of the event.

Any special event on a Town plaza area, facility or land shall require a special event permit pursuant to the Special Event Regulations.

Special Events are further classified as either:

**1. Annual Special Event:** A special event that has been listed by the Planning Division on the Town's Official Annual Event Calendar that is reasonably expected to be held again in a given calendar year.

**2. Minor Event:** Any special event for which daily attendance is expected to be less than one thousand (1,000) people; or

**3. Major Event:** Any special event for which daily attendance is expected to be more than one thousand (1,000) people and/or the special event is to take place on multiple consecutive days.

**4. Ski Area Event:** Any special event conducted by or sponsored by the ski resort operator, which is typically associated with normal ski resort operations such as ski races, ski competitions, and ski related product demonstrations, that are to take place solely on land owned by the ski resort operator that is used for ski resort operations.

Weddings conducted entirely on private property that provide for adequate infrastructure that do not have any significant adverse impacts are not considered a special event.

**Special Event Permit:** The permit issued by the Planning Division in order for a person or entity to conduct a special event pursuant to the Special Event Regulations, except for ski area events that meet the criteria set forth in the Special Event Regulations

## **17.6.2 SPECIAL EVENT REGULATIONS**

### **A. Purpose and Intent**

The purpose of this section is to establish policies for permitting and regulating special events and to protect and promote the public health, safety and welfare. This section is intended to establish a nondiscriminatory

process by which the Town can regulate the holding of special events. This section is not intended to regulate speech or other forms of conduct protected by either the First Amendment to the United States Constitution or by the Colorado Constitution. The permitting process established by this section is intended to be content neutral and not subject matter based.

### **B. Applicability**

The special event development review process is applicable to any development application that proposes a special event.

### **C. Review Process**

Special event development applications shall be processed as class 1 applications except that the review authority for minor events shall be the Town Manager. The review authority for major events shall be the Town Mayor on behalf of the Town Council. The Town Manager or the Mayor may require a special event to go through the Conditional Use Permit Process due to size, duration, noise or other potential impacts to surrounding properties.

### **D. Criteria for Decision**

The following criteria shall be met for the review authority to approve a special event permit:

1. The proposed special event will not pose an adverse impact to the public health, safety or welfare or the public interest;

2. The proposed special event will cause positive cultural, economic, environmental or social impacts;
3. Adequate sanitation and other required health facilities are or will be made available at or sufficiently near to the proposed special event area(s);
4. Sufficient parking, transportation and other required infrastructure, as determined on a case-by-case basis, are available to accommodate the number of participants reasonably expected for the event;
5. The proposed special event will provide for economic or other community benefits;
6. The proposed special event provides for recycling and other green initiatives to the extent practicable;
7. The application complies with the special event regulations;
8. The applicant has not been convicted of violating the CDC or had a previous special event permit revoked by the Town within the previous two (2) calendar years; and
9. The proposed special event will not conflict with:
  - a. A special event for which a permit has previously been issued or a special event that has submitted a complete development application unless the Town permits both events to occur on the same date, and the promoters of the events have mutually agreed to hold the events on the same date;
  - b. A Town-sponsored event;
  - c. An annual special event, which is reasonably expected to be held again, but for which an application has *yet* to be submitted; or
  - d. An event protected by the First Amendment to the United States Constitution or by the Colorado Constitution that, due to its anticipated size, location, hours of operation, or other relevant factors, is reasonably expected to require such Town services or personnel as to make the holding of the proposed special event for which the application was submitted a potential risk to the public health, safety or welfare.
10. The holding of the proposed special event will not cause significant disruption in the ability of the Town to deliver or provide essential governmental services;
11. The applicant has provided an adequate marketing plan for the special event to ensure the event is marketed in such a way that the information reaches the intended participants in order to maximize economic or other community benefits, and does not substantially interfere with any construction or maintenance work scheduled to take place upon or along the town streets or lots; and
12. The proposed special event meets all applicable Town regulations and standards.

#### **E. General Standards for Review**

1. **Special Event Permit Required.** No person shall stage, hold, present or conduct a special event within the town without a valid special event permit issued in accordance with this section.
2. **Exemptions.** The requirements of this section shall not apply to:
  - a. An indoor special event of any kind;
  - b. A special event held by the Town;
  - c. An event held at a Town park or facility considered "normal or regular" use of those Town facilities, such as a ball field, soccer field or activities at the Mountain Village Ice Rink; or
  - d. An event protected by either the First Amendment to the United States Constitution or by the Colorado Constitution provided, however, that a person staging, holding, presenting or conducting such an event shall submit a development application and obtain a special event permit pursuant to this section, but there shall be no fee required and the deadline for submission of an

application does not apply. The Planning Division may also modify any other requirement of this section with respect to such an application if necessary to comply with applicable law.

**3. Application Requirements.** In addition to the development application requirements set forth under the Development Review Procedures, the following timing limitation shall also be met:

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a. A development application for a permit shall be filed with the Planning Division not less than thirty (30) days or more than three hundred and sixty-five (365) days before the special event is proposed to begin. The Planning Division may waive the minimum thirty (30) day filing period and accept an application filed within a shorter time period if (i) after due consideration of the date, time, place and nature of the special event, the anticipated number of participants and the Town services required in connection with the special event, the Planning Division determines that sufficient time exists for the proper investigation and review of the application; (ii) that the waiver will not present a hazard to public health, safety or welfare; and (iii) that the waiver will not create a substantial burden on the Town's staff or financial resources.

**4. Building Permit May Be Required.** An applicant may still be required to obtain a building permit depending on the size and scale of any temporary structures proposed to be used in connection with the special event. The need for a building permit will be determined by the Planning Division in consultation with the Building Division.

**5. Town Fees, Charges and Deposits.** If the application includes a request to use any Town lot or service in connection with the special event, the applicant shall pay to the Town any required charges, fees or deposits in connection with special event prior to the issuance of the special event permit, or such other time as may be set forth by the Town.

**6. License Agreement.** The Town Attorney or review authority may require an applicant to enter into a license agreement with the Town for the special event to detail key requirements of this section and legal protection for the Town. The license agreement shall ensure the requirements of this section are met and shall be in a form and manner as set forth by the Town.

a. The license agreement for the special event shall require the applicant to be responsible for repairing damage caused by the special event to Town or private lot.

**7. Order of Processing.** Complete applications shall be processed by the Planning Division in order of receipt. Notwithstanding the foregoing, an annual special event, which is reasonably expected to be held again, but for which an application has yet to be submitted, takes precedence over all other special event applications.

**8. Relationship to Municipal Code Requirements.** Notwithstanding anything contained in the CDC to the contrary:

a. A permit issued under this section is not a special events liquor license. If alcoholic beverages are to be served at the special event, the applicant must obtain the required permit or approval from the Town Liquor Licensing Authority.

b. All vendors at a special event must obtain a Town business license pursuant to the Municipal Code.

c. A special event permit may authorize the applicant to exceed the maximum noise levels set forth in the Municipal Code in connection with the holding of the special event. The Planning Division, in consultation with the Town of Mountain Village Police Department, may establish specific maximum noise levels for any such event.

d. Except as specifically provided in this section, in addition to a permit, an applicant must obtain all other required Town permits and approvals before

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holding the special event authorized by the permit, including but not limited to a building permit, business license and/or liquor license (if serving alcoholic beverages).

e. No Design Review Process is required for temporary structures or signage associated with a special event.

**9. Revocation.** The Town may revoke a special event permit provided notice of the hearing for revocation of a permit shall be given by the Town Manager to the applicant in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be personally served or may be emailed or mailed, postage prepaid, to the applicant at his/her local address as set forth on the application at least three (3) days prior to the date set for the hearing. The hearing board shall consist of the Town Manager and the Town Mayor.

a. In deciding whether a permit should be suspended or revoked due to a violation of the permit or the requirements of this section and in deciding what conditions to impose in the event of a suspension, if any, the hearing board shall consider:

- i. The nature and seriousness of the violation;
- ii. Corrective action, if any, taken by the applicant;
- iii. Prior violation(s), if any, by the applicant;
- iv. The likelihood of recurrence;
- v. All circumstances surrounding the violation;
- vi. Whether the violation was willful;
- vii. The number of previous special events held by the applicant;
- viii. The number of previous violations by the applicant; and
- ix. Previous sanctions, if any, imposed against the applicant.

If the hearing board suspends or revokes a permit prior to the special event, the applicant may appeal the suspension or revocation in accordance with the Appeal Process.

#### **10. Cancellation**

a. The Planning Division, in consultation with the review authority, shall have the power to summarily suspend a special event permit during an event without any hearing if the Planning Division determines that:

- i. An applicant has violated one or more of the terms and conditions of a permit or any applicable law and, based upon the available information, the Planning Division, in consultation with the Town Police Department, that such violation results in an immediate threat to the public health, safety or welfare; or
- ii. Threatening weather conditions that would either (i) pose a threat to the public health, safety or welfare, or (ii) pose a threat to any Town-owned lot or property to be used in connection with this special event; or
- iii. Drought conditions pose a threat to the public health, safety or welfare due to extreme fire hazard; or
- iv. Holding or continuing the special event would pose a threat to the public health, safety or welfare due to any unforeseen, unanticipated, uncontrollable circumstances, acts of God or other force majeure situations.

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b. No appeal is allowed from a summary suspension of a permit issued by the Planning Division pursuant to this section.

**11. Prohibition on Commercial and Advertising Special Events.** Special events held

solely for the purpose of advertising a business or entity are expressly prohibited. All special events shall have as the primary component, cultural, economic, environmental or social value. Commercial vending is allowed at special events as approved by the Town.

**12. Ski Area Event Regulations:** Ski area events are classified as (a) ski and snow sports special events; (b) demonstration and small scale events; and (c) summer events.

a. The ski resort operator may, without a special event permit from the Town, conduct ski and snow sports special events and summer events on land it owns, and operates the ski resort on, during operating daylight hours if it ensures there is adequate infrastructure for the event, including without limitation, adequate parking, access, restrooms, and emergency service personnel. If Town resources or infrastructure are required for an exceptionally large ski and sports special event, the Town may require a special event application pursuant to these regulations.

i. The ski resort operator shall provide notice of a ski and snow sports special event or a summer event expected to have more than 2,000 attendees to the Town Police Department and Community Development Department, and the TFPD to ensure adequate services for the event.

ii. The ski resort operator shall provide a courtesy notice of all planned ski and snow sports special events and summer events to ensure adequate infrastructure is available, and that such event does not conflict with another special event.

b. The ski resort operator may, without a special event permit, conduct a demonstration and small scale event during operating daylight hours on land it owns if the following criteria are met:

i. No more than two (2) tents no greater than ten feet (10') by ten feet (10') in size are utilized for the event unless otherwise approved by the Planning Division in writing;

ii. No live music is performed;

iii. Amplified music or speaking meets the noise limitations in the Municipal Code;

iv. No commercial sales of goods or services occurs;

v. No vehicles are parked on the snow except for loading and unloading;

vi. If vehicle access is desired through a Town plaza area, the required permit has been obtained from the Town;

vii. The tents are set back 35 feet from the edge of any surrounding tramway cable;

viii. For demonstrations of products, the product is a product associated with snow sports, and is available for sale within the Village Center, such as ski or snowboard demonstrations, sunglass demonstrations, or snow shoe demonstrations.

ix. Off premise signage is prohibited except for demonstration sponsors, or event sponsors, with any signage compliant with the Sign Regulations or 192

any sign program for the ski resort operator.

The Ski Area Event regulations do not apply to outdoor dining areas within the town, which are governed by other provisions in the CDC.