

ORDINANCE NO. 2008-02

(Series of 2008)

**AN ORDINANCE OF THE TOWN COUNCIL OF MOUNTAIN VILLAGE, COLORADO
FORMALIZING APPLICATION, REVIEW & APPROVAL OF SPECIAL EVENTS**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE THE
FOLLOWING:**

Section 1: PURPOSE

To formalize and standardize the application, review and approval of Special Events to be held in the Town of Mountain Village.

Section 2: DEFINITIONS

(1) *Applicant* shall mean the person, group, organization or entity that applies for a Special Event permit, the permittee whose name shall appear on the permit issued pursuant to this Ordinance, and the responsible party for all Special Event activity approved by the issuance of the permit.

(2) *Special Event* shall mean any organized gathering of people for any purpose for a limited period of time which is sponsored by a for-profit or nonprofit individual, group, organization or entity and at which any two or more of the following shall apply:

- a. The expenditure of Town resources is contemplated or is deemed necessary by Town personnel to maintain public health, safety and welfare;
- b. The event requires the use of any Town facility or property;
- c. The event is expected to have a visual, noise or other environmental impact upon the immediate vicinity or surrounding area of the event.

(3) *Minor Event* shall mean any Special Event for which daily attendance is expected to be less than one thousand (1,000) people.

(4) *Major Event* shall mean 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.

Section 3: PERMIT REQUIRED

(1) It shall be unlawful for any person or entity to organize a Special Event within the Town Limits of the Town unless the Special Event has been permitted pursuant to this Ordinance.

(2) The permitting of a Special Event shall not relieve any person or entity of any other obligation imposed by the Ordinances and Regulations of the Town or other applicable law.

Section 4: REQUIREMENTS

(1) The Applicant of a Special Event shall submit an application to the Town, on forms provided by the Town, not less than ninety (90) days prior to the proposed Special Event and providing for at least the following information:

- a. Detail and schedule of activities
- b. Detail and schedule of significant impacts
- c. Review of proposed event schedule vs. community master event calendar
- d. Statement of community benefit (cultural, economic, environmental, social)

- e. Anticipated daily attendance
- f. Dates and hours of event, including load-in, setup, load-out
- g. Admission criteria
- h. Maps of requested use locations overlaid with planned activities
- i. Scope of requested and required public services
- j. Compliance with all current permits for the use of public spaces and display of signage/banners/decorations
- k. Transportation Plan to address overflow street parking impacts, extended operating hours for the Gondola and Dial-A-Ride on-demand shuttle service and/or transportation services to and from Mountain Village

(2) The Applicant and the Conference Center Event Coordinator shall schedule an event and budget review meeting with Town Staff, as designated by the Town Manager, no less than forty-five (45) days prior to the scheduled event start date. Using the completed application, the review will focus on the scope of requested services from the Applicant and the scope of required services by the Town. The scope of required Town services including, but not limited to, trash management, security levels, parking assistance, transportation, restroom facilities, etc. is determined in the sole discretion of Town Staff. If the parties fail to agree on the inclusion of requested or required services and the budget arising from these discussions is not acceptable to both parties no less than fifteen (15) days prior to the event, an event permit shall be denied.

(3) The Applicant shall execute an Indemnification of the Town on forms provided by the Town.

(4) The Applicant shall provide proof of liability insurance for the Special Event in such amounts as the Town may prescribe and naming the Town as an additional insured.

(5) The Applicant shall enter into an event contract in a form provided by the Town.

(6) At the time of filing the application, a Special Event permit fee shall be paid to the Town to defray administrative costs. The Special Event Permit Fee shall be set from time to time by the Town Council. Special Event Permit Fees shall be paid into the Town General Fund.

Section 5: APPROVALS

The Conference Center Event Coordinator shall review the application for a Special Event Permit and from the information supplied take the following action:

(1) Minor Events: The Conference Center Event Coordinator shall make a recommendation to the Town Manager for approval or denial of a minor event. The Town Manager shall approve a Special Event Permit for a minor event.

(2) Major Events: The Conference Center Event Coordinator shall notify the Town Manager that a major event application has been received and forward a staff recommendation. The Town Manager shall make a recommendation to the Mayor for approval or denial of a major event. The Mayor, on behalf of the Town Council, shall approve a Special Event Permit for a major event. The Town Council shall be advised at the next regularly scheduled Town Council Meeting.

Section 6: ISSUANCE

Upon approval, as either a Minor Event or Major Event, the Conference Center Event Coordinator shall issue a permit. The Conference Center Event Coordinator may deny a permit application if the applicant has previously had a permit revoked pursuant to Section 7 of this Ordinance.

Section 7: REVOCATION

(1) Upon recommendation of the Town Manager after consultation with Town staff, a permit issued under this Ordinance may be revoked after public hearing for any of the following causes:

- a. Fraud, misrepresentation or any false statement contained in the application for the Special Event Permit;
- b. Failure to pay at least fifty percent (50%) of the estimated event costs to the Town no less than fifteen (15) days prior to the event start date;
- c. Any violation of this Ordinance or any other ordinance or regulation of the Town or other applicable law;
- d. Applicant demonstrates an inability or unwillingness to conduct the Special Event in accordance with the terms and conditions of this Ordinance or any other ordinance or regulation of the Town or other applicable law.

(2) 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 mailed, postage prepaid, to the permittee at his/her/its 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 three (3) Council members appointed by the Mayor. The decision of the hearing board shall be final.

Section 8: PAYMENT

(1) Application fee: All application fees are due and payable upon submission of completed **Part A** of a Special Event Application. Applications shall be considered incomplete unless and until the application fee is paid in full.

(2) Payment for Town Services: The Conference Center Event Coordinator will provide the Applicant with an estimate of event costs based on estimated costs for Town services arising from the event including, but not limited to, the use of Town personnel and/or equipment, Town transportation services, inspections and user fees. The estimate will be calculated upon completion of **Part B** of a Special Event Application and the event budget required under Section 4-2 of this Ordinance. Unless waived pursuant to Section 12: Waivers, fifty percent (50%) of the estimated costs are due and payable no less than fifteen (15) days prior to the start of the event. Failure to make this payment shall result in denial of a Special Event Permit or revocation of the issued permit. A final assessment of all Town services costs will be reconciled with the event budget and a final invoice issued to the event permit holder within fifteen (15) working days of the final day of the event. The balance due must be paid in full within thirty (30) days of the final day of the event. Failure to pay the full amount by the due date will result in interest penalties on the unpaid balance of .05% per day or 18% per annum.

(3) Financial Security: The Conference Center Event Coordinator is authorized to require an applicant to post a cash deposit or other security accepted by the Town Attorney as guarantee against damages, clean up or loss of public property.

Section 9: ENFORCEMENT

(1) Enforcement Personnel: The civil and criminal provisions of this Ordinance shall be enforced by those persons designated by the Town.

(2) Right of Entry Granted: Community Service Officers and Police Officers are hereby authorized to enter upon any premises, excluding a dwelling unit, in the Town for the purpose of investigating violations, or for any other purpose authorized by this Ordinance.

Section 10: PENALTIES

(1) Penalties for Court Conviction: Any person violating this Ordinance which violation results in a Court conviction shall be subject to the following penalties: The first conviction shall result in a fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00); the second conviction shall result in a fine of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00); the third conviction and each subsequent conviction thereafter shall result in a fine of five hundred dollars (\$500.00), imprisonment in the County Jail for not more than ninety (90) days, or both.

(2) Penalty Assessment for Pleading Guilty: Any person charged with a violation of this Ordinance, may, instead of proceeding to defend against the prosecution thereof, elect to pay a penalty assessment according to the following schedule: The first conviction shall result in a fine of one hundred dollars (\$100.00); the second conviction shall result in a fine of three hundred dollars (\$300.00); upon the third conviction within a single twelve (12) month period, the alleged offender must appear before the Municipal Judge.

Section 11: RECORD OF PERMITS

The Conference Center Event Coordinator shall maintain a record of all Special Event permits issued pursuant to the provisions of this Ordinance and all permit fees collected.

Section 12: WAIVERS

The Town Manager may, in his sole discretion, with the recommendation of Town Staff, and upon good cause shown, approve waivers of application deadlines or fee waivers or cost recovery/reimbursement waivers for any item in any section of this Ordinance.

Section 13: EFFECTIVE DATE

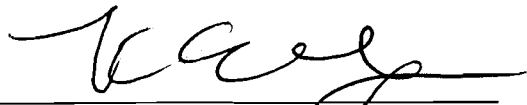
This Ordinance shall be effective March 26, 2008

INTRODUCED, READ and PASSED on second reading this 21st day of February, 2008.



ROBERT H. DELVES, Mayor

ATTEST:



KIM MONTGOMERY, Town Clerk