

**Sec. 23.5-1. Purpose.**

This Chapter establishes the standards for the issuance of a permit for special events and demonstrations in the City.

(Ord. No. 18, 1987, § 1, 4-21-87; Ord. No. 99, 2001, §2, 6-19-01)

**Sec. 23.5-2. Definitions.**

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

*Block party* shall mean a festive gathering on a residential street requiring the closure of a street or a portion thereof to vehicular traffic and use of the street for the festivity, including barbecues, picnics, music or games.

*Coordinator* shall mean the Chief of Police.

*Demonstration* shall mean 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 a street or highway, including sidewalks, or on a publicly owned outdoor mall or plaza, or on other property owned or leased by the City, which demonstration does not comply with traffic laws and controls or which may, in the judgment of the Coordinator or the service area director responsible for the administration of any City affairs on the property, 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 demonstration or other persons.

*Event* shall mean all demonstrations and special events as defined herein.

*Parade* shall mean a march or procession consisting of persons, animals or vehicles, or combination thereof, on any street or highway, 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* shall mean a permit issued for either a demonstration or special event.

*Permittee* shall mean any person or organization who has been issued an event permit by the Coordinator.

*Special event* shall mean 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 street or highway, including sidewalks, or on a publicly owned outdoor mall or plaza, or on other property owned or leased by the City, which event does not comply with traffic laws and controls or which may, in the judgment of the Coordinator or the service area director responsible for the administration of any City affairs on the property, 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 or highway* has the same meaning as defined in Part 20 of the Fort Collins Traffic Code, as adopted in § 28-16, and includes bike and pedestrian lanes or paths.

(Ord. No. 18, 1987, § 1, 4-21-87; Ord. No. 108, 1991, § 1, 10-1-91; Ord. No. 99, 2001, §3, 6-19-01; Ord. No. 16, 2003 § 10, 2-18-03; Ord. No. 034, 2007 § 1, 3-6-07)

**Cross-reference**—Definitions and rules of construction, § 1-2.

**Sec. 23.5-3. Permit required.**

Any person desiring to conduct an event in the City shall first obtain a permit from the Coordinator; provided, however, that an event permit shall not be required for the following:

(1) Events that occur exclusively within City natural areas or recreation areas, as the same are defined in this Chapter, and do not involve the closure of any streets or sidewalks that are normally open to the public. All events within City natural areas or recreation areas that do involve the closure of such streets or sidewalks shall be reviewed by the Coordinator and shall be subject to the permit requirements of this Chapter, but only with regard to that portion of the event which occurs upon or affects the streets or sidewalks. Other activities conducted within the natural areas or recreation areas in conjunction with such events shall be regulated according to the requirements of Chapter 23, Articles IX and X, respectively.

(2) Parades involving a total of forty (40) 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 fifteen (15) people or less, and shall allow vehicles to pass between each group;

(3) Funeral processions.

(Ord. No. 18, 1987, § 1, 4-21-87; Ord. No. 108, 1991, § 2, 10-1-91; Ord. No. 99, 2001, §4, 6-19-01)

**Cross-reference**—Licenses and business regulations generally, Ch. 15.

**Sec. 23.5-4. Application procedure; fee.**

(a) Any person desiring to sponsor an event not exempted by § 23.5-3 shall apply for an event permit by filing a verified application with the Coordinator on a form supplied by the Coordinator. Applications must be submitted not less than twenty (20) business days for block parties, as defined in § 23.5-2, forty-five (45) business days for events involving the sale or service of alcohol, and thirty (30) business days for all other events, nor more than one (1) year before the event date.

(b) If the application is for a demonstration, the Coordinator shall, upon a showing of good cause, consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police services for the event. Good cause may be demonstrated by the applicant by showing that the circumstance that gave rise to the application did not reasonably allow the applicant to file within the time prescribed.

(c) If the applicant is not an organization qualified for exemption from the payment of City sales and use taxes pursuant to § 25-94, the application for a permit shall be accompanied by a nonrefundable permit application fee in an amount set by the City Manager in accordance with § 7.5-1. The fee shall cover, but not exceed, the full cost of processing and investigating such permit applications and administering the permit program. No permit application fee shall be charged to organizations qualified for exemption from the payment of City sales and use taxes pursuant to § 25-94.

(Ord. No. 18, 1987, § 1, 4-21-87; Ord. No. 108, 1991, § 3, 10-1-91; Ord. No. 99, 2001, § 5, 6-19-01; Ord. No. 034, 2007 § 2, 3-6-07)

**Sec. 23.5-5. Action on application.**

The Coordinator shall approve, conditionally approve or deny an application on the grounds specified in § 23.5-6. Such action shall be taken no later than five (5) business days for block parties thirty (30) business days for events involving the sale or service of alcohol, and fifteen (15) business days for all other events 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. If the Coordinator relied on information about the event other than that contained in the application, he or she shall inform the applicant of such information. If the Coordinator refuses to consider a late application under Subsection 23.5-4(b), he or she shall inform the applicant in writing of the reason for the refusal, and of the applicant's right of appeal.

(Ord. No. 18, 1987, § 1, 4-21-87; Ord. No. 034, 2007 § 3, 3-6-07)

**Sec. 23.5-6. 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 completed 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 has failed to complete the application form within the time frame permitted by the Coordinator after having been notified of any 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 on the same date and time requested by the applicant, or so close in time and place as to cause undue traffic congestion, or burden the City's ability to meet the needs of police, fire or other emergency services to the remainder of the City due to more than one (1) event occurring anywhere in the City; 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 at a time when it is usually subject to traffic congestion; 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 peace officers of the City 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; 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 peace 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 a previously granted encroachment permit; 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 or safety hazard;

(10) The event will violate an ordinance or statute;

(11) The applicant has failed to pay costs, fees or deposits for the application or for previous special events permits; or

(12) The applicant has failed to abide by the requirements or conditions of previous special events permits.

(b) When the grounds for denial of an application for permit specified in Paragraphs (a)(4) through (a)(9) above can be corrected by altering the date, time, duration, route or location of the event, the Coordinator shall, 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 Paragraphs.

(Ord. No. 18, 1987, § 1, 4-21-87; Ord. No. 108, 1991, § 4, 10-1-91; Ord. No. 99, 2001, § 6, 6-19-01; Ord. No. 130, 2002, § 29, 9-17-02; Ord. No. 034, 2007 § 4, 3-6-07)

#### **Sec. 23.5-7. Permit conditions.**

(a) 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:

(1) Alteration of the date, time, duration, frequency, route or location of the event;

(2) Conditions concerning the area of assembly and disbanding of parades or other events occurring along a route;

(3) Conditions concerning accommodation of available parking, pedestrian or vehicular traffic, including restricting the event to only a portion of a street or right-of-way;

(4) Requirements for the use of traffic cones, barricades or other traffic-control devices to be provided, placed and removed by the permittee at its expense;

(5) Requirements for provision of emergency access and first aid or sanitary facilities;

(6) Requirements for arrangement of supplemental fire protection personnel to be present at event at the permittee's expense;

- (7) Requirements for use of event monitors and providing notice of permit conditions to event participants;
- (8) 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 Poudre Fire Authority;
- (9) Requirements for use of garbage containers, cleanup and restoration of City property;
- (10) Restrictions on use of amplified sound;
- (11) 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);
- (12) Compliance with any relevant law and obtaining any legally required permit or license, including, without limitation, a temporary vendor's license under § 15-381 et seq., a special event liquor license under § 12-48-101 et seq., and a natural area or recreation area permit pursuant to the requirements of Chapter 23, Articles VIII or IX, respectively;
- (13) Requirements for posting a deposit for cleanup costs anticipated due to the event;
- (14) Designation by the applicant of a contact person with decision making authority who will be continuously available to law enforcement personnel and present at the event.

(b) Failure to comply with permit conditions shall result in the revocation of the permit and termination of the event.

(Ord. No. 18, 1987, § 1, 4-21-87; Ord. No. 99, 2001, § 7, 6-19-01; Ord. No. 034, 2007 § 5, 3-6-07)

**Sec. 23.5-8. Appeal procedure.**

The applicant shall have the right to appeal the denial of a permit or the imposition of a permit condition. A notice of appeal shall be filed with the City Manager's office with a copy to the Coordinator, 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 Manager or his or her designee shall review the decision to deny the permit or impose conditions no later than ten (10) business days after the filing of the appeal. The applicant and the Coordinator may present written evidence and/or argument to assist the City Manager or designee's review. The City Manager or his or her designee shall render his or her written decision no later than one (1) business day thereafter. In the event that a notice of appeal is filed in accordance herewith but

fewer than six (6) business days prior to the requested date for an event for which a permit has been denied, the City Manager shall conduct the review and issue his or her decision no later than two (2) business days after the filing of the appeal. If the City Manager determines that circumstances do not permit the completion of such review and decision at least one (1) full business day prior to the time and date for the initiation of an event regarding which an appeal is pending, he or she shall notify the appealing applicant of said determination in writing and said applicant shall be entitled, but not required, to seek judicial review of the permit denial or permit conditions with no further administrative review. The City Manager's decision shall be final, subject only to such judicial review as may be available under the Colorado Rules of Civil Procedure.

(Ord. No. 18, 1987, § 1, 4-21-87; Ord. No. 108, 1991, § 5, 10-1-91; Ord. No. 99, 2001, § 8, 6-19-01; Ord. No. 034, 2007 § 6, 3-6-07)

### **Sec. 23.5-9. Permit issuance.**

If, after review of the criteria contained in § 23.5-6 above, 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 the following sections of this Chapter have been complied with:

- (1) Section 23.5-10 pertaining to indemnification;
- (2) Section 23.5-11 pertaining to insurance;
- (3) Section 23.5-12 pertaining to traffic-control fees; and
- (4) Section 23.5-13 pertaining to cleanup deposits (when applicable).

(Ord. No. 18, 1987, § 1, 4-21-87; Ord. No. 99, 2001, § 9, 6-19-01)

### **Sec. 23.5-10. Indemnification agreement.**

Prior to the issuance of an event permit, unless the applicant is the City, the Coordinator shall require the applicant and authorized officer of the applicant's organization (if any) to sign an agreement for the permittee 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 agreement shall also provide that 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 join in an event are not considered by that reason alone to be "under the control" of the permittee.

(Ord. No. 18, 1987, § 1, 4-21-87; Ord. No. 108, 1991, § 6, 10-1-91; Ord. No. 99, 2001, § 10, 6-19-01; Ord. No. 034, 2007 § 7, 3-6-07)

**Sec. 23.5-11. Insurance.**

(a) Prior to the issuance of an event permit, the Coordinator may require the applicant and authorized officer of the applicant's organization (if any) to possess or obtain public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. The Coordinator shall determine whether to require such insurance, and the amount of insurance that shall be required, based upon the considerations routinely taken into account by the City in evaluating loss exposures, including, without limitation, whether the event poses a substantial risk of damage or injury due to the anticipated number of participants, the nature of the event and activities involved and the physical characteristics of the proposed site or route. Such insurance shall name on the policy or by endorsement as additional insureds the City, its officers, employees and agents.

(b) If insurance coverage is required pursuant to Subsection (a) above, a copy of the policy or a certificate of insurance along with all necessary endorsements must be filed with the Coordinator no less than five (5) days before the date of the event unless the Coordinator for good cause changes the filing deadline, in which event such documents shall be provided on the date and time specified by the Coordinator.

(c) The insurance requirements of Subsections (a) and (b) above shall be waived by the Coordinator for demonstrations if the applicant or an officer of the applicant's organization signs a verified statement that he or she believes the event is a demonstration under the definition in this Chapter, and that he or she has determined that the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression, or that it has been impossible to obtain insurance coverage. The statement shall include the name and address of one (1) insurance agent or other source for insurance coverage contacted to determine insurance premium rates for insurance coverage.

(d) If the Coordinator waives the insurance requirements set forth in Subsections (a) and (b), the City may, in its discretion, require the applicant to apply for insurance coverage for the event under a policy selected by the City. The applicant must provide any information pertinent to qualifying for the insurance coverage. The premium for such insurance coverage would be paid by the City rather than the applicant.

(Ord. No. 18, 1987, § 1, 4-21-87; Ord. No. 99, 2001, § 11, 6-19-01; Ord. No. 034, 2007 § 8, 3-6-07)

**Sec. 23.5-12. Traffic-control fees; optional use of preestablished event routes.**

(a) *Prepayment of fees.* Upon approval of an application for an event permit, the Coordinator shall provide the applicant with a statement of the estimated cost of



providing peace officers for traffic control or security at the event. The applicant of the event shall be required to pay the estimated traffic-control or security fees no later than five (5) days prior to the event unless the Coordinator for good cause changes the filing deadline, in which event such documents shall be provided on or before the deadline given by the Coordinator. Traffic control includes clearing the event route or site of unauthorized vehicles, diversion of traffic around the event, and directing pedestrian and vehicular traffic along the route of an event.

(b) *Computing traffic-control fees.* Traffic-control fees will be computed based on an hourly rate with a minimum charge of two (2) hours per officer or supervisor. The hourly rate is based upon negotiated benefits for peace officers and will be updated periodically. The Coordinator shall keep a record of such rate.

(c) *Refunds or overruns.* If the actual cost for traffic control on the date of the event is less than the estimated cost pursuant to Subsection (a) above, the difference will be promptly refunded to the applicant by the City, subject, however, to the minimum stated in Subsection (b) above. If the actual cost for traffic control is more than the estimated cost, the City shall bill the applicant for the excess and the applicant shall pay the same within ten (10) days of the date of the bill.

(d) *Prestablished event routes and fees.* The Coordinator may preestablish several event routes and times within the City which are not required to be used by applicants. The routes shall specify the number of officers and traffic-control devices or marshals needed for traffic control on the routes, if any. Such preestablished event routes and times and the fee schedule for traffic-control services shall be made available to the public.

(e) *Waiver of fees for demonstrations.* Traffic-control fees will be waived by the Coordinator for demonstrations if the following conditions are satisfied:

(1) The applicant signs a verified statement that he or she believes the event's purpose is First Amendment expression, and that he or she has determined that the cost of traffic-control fees is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression; and

(2) The applicant selects one (1) of the preestablished event routes.

(Ord. No. 18, 1987, § 1, 4-21-87; Ord. No. 99, 2001, § 12, 6-19-01; Ord. No. 034, 2007 § 9, 3-6-07)

### **Sec. 23.5-13. Cleanup deposits for certain events.**

(a) In connection with an event involving the sale of food or beverages, erection of structures, presence of horses or other large animals, or erection of water aid stations, the applicant shall be required to provide a cleanup deposit prior to the issuance of a permit. The cleanup deposit shall be in the amount established by the Coordinator, based upon an

estimate of the actual costs reasonably estimated to be incurred by the City in the cleanup of an event of like nature and size.

(b) The cleanup deposit shall be returned after the event if the area used for the event has been cleaned and restored to the same condition as existed prior to the event.

(c) If the property used for the event has not been properly cleaned or restored, the applicant shall be billed for the actual cost to the City for cleanup and restoration, and the cleanup deposit (or a portion thereof) shall be applied toward payment of the bill. If the applicant disputes the bill, he or she may appeal to the Coordinator within ten (10) days of the date of the bill. Should there be any unexpended balance on deposit after completion of the work, this balance shall be refunded to the applicant. Should the amount of the bill exceed the cleanup deposit, the difference shall be billed to the applicant by the City and the applicant shall pay the same within ten (10) days of the date of the bill.

(Ord. No. 18, 1987, § 1, 4-21-87; Ord. No. 99, 2001, § 13, 6-19-01)

**Sec. 23.5-14. Duties of permittee.**

(a) The permittee shall comply with all terms and conditions of the special 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 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.

(Ord. No. 18, 1987, § 1, 4-21-87; Ord. No. 99, 2001, § 14, 6-19-01)

**Sec. 23.5-15. 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.

(c) The Coordinator or designee may revoke the permit and terminate the event during the course of the event for noncompliance with permit conditions.

(Ord. No. 99, 2001, § 15, 6-19-01; Ord. No. 034, 2007 § 10, 3-6-07)

**Sec. 23.5-16. Violations; penalties.**

(a) It is unlawful for any person to sponsor or 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) In addition to the penalties set forth in § 1-15, the Coordinator may consider the violation of the terms and conditions of a previous permit in approving or denying future event applications by the same applicant or organization.

(Ord. No. 18, 1987, § 1, 4-21-87; Ord. No. 99, 2001, § 16, 6-19-01; Ord. No. 034, 2007 § 11, 3-6-07)

**Cross-reference**—General penalty, § 1-15.