

ORDINANCE NO. 018, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 23.5 OF THE CODE OF THE CITY OF
FORT COLLINS PERTAINING TO SPECIAL EVENTS

WHEREAS, on April 21, 1987, the City Council adopted Ordinance No. 018, 1987, establishing standards for issuing City permits for special events; and

WHEREAS, the Special Event Coordinator program was created in 2015 to facilitate and coordinate the issuance of special event permits by various City departments, while also providing a central point of contact for event producers, citizens, businesses, and City staff seeking information or guidance about special events; and

WHEREAS, since that time, staff has been working diligently to update their processes and procedures regarding the issuance of special event permits; and

WHEREAS, the City has a right and a responsibility to regulate the time, place and manner of special events to protect the public health and safety of its residents, and to reduce the adverse impacts on public spaces, the environment, businesses and neighborhoods in the City; and

WHEREAS, after thorough review of Chapter 23.5, City staff is recommending that it be amended to do the following:

- be consistent with current practices including designating the Special Event Coordinator as the staff person responsible for special events and revising the dates for application submittals and appeals;
- exclude funeral processions from the special event permit requirements because Fort Collins Traffic Code Section 1417 already regulates funeral processions;
- exclude from the special event permit requirements property owned by other governmental entities, or City-owned property managed by other governmental entities pursuant to an intergovernmental agreement with the City, so long as such event does not involve the closure of any streets or sidewalks that are normally open to the public;
- be more clearly consistent with the current state of applicable First Amendment case law by distinguishing demonstrations from special events, and specifying different notice requirements for demonstrations;
- reduce the potential for adverse impact on public spaces by revising the definition of special event in the City Code to include events on private property that substantially impact a public right of way or adjacent public property; and
- authorize the City Manager to approve permit terms and conditions to reduce the level of discretion the Special Event Coordinator has in making these decisions;

- incorporate the permit conditions, permittee duties, indemnification and insurance provisions, and fees and deposits into the terms and conditions as approved by the City Manager to allow for more flexibility in making timely changes to these provisions consistent with policy, practice, and law, while ensuring there is not unfettered discretion in adopting such changes; and

WHEREAS, the Council has determined that the proposed amendments are in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Chapter 23.5 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23.5-1. Purpose.

This Chapter establishes the requirements for special events, parades, block parties, and demonstrations in the City. Unless expressly stated herein, the requirements of this Chapter do not replace or substitute for other permitting requirements that may apply to activities held on public properties as may be set forth in other chapters of this Code.

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 gathering of neighbors on a residential street including but not limited to barbecues, picnics, music, or games.

Coordinator shall mean the Special Event Coordinator or his or her designee.

Demonstration shall mean a rally, picketing, speechmaking, march, vigil, religious services or any similar gathering that primarily involves the communication or expression of views or grievances, engaged in by more than one person, that occurs on a street or highway, including sidewalks, or on a City-owned outdoor mall or plaza, or on other property owned or leased by the City, which activity does not comply with traffic laws and controls or which may, in the reasonable judgment of the Coordinator or the service area director responsible for administration of the subject 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 general public or participants in the activity.

Funeral or funeral procession shall mean a coordinated array of motor vehicles in which the lead vehicle displays a sign, pennant, flag, or other insignia furnished by a funeral home indicating a coordinated procession (unless led by a state or local law enforcement vehicle) and each vehicle participating in the procession is operating its headlights, as further described in Section 1417 of the City of Fort Collins Traffic Code.

Parade shall mean a march or procession not primarily involving the communication or expression of views or grievances, 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 special event permit shall mean a permit issued for a special event as defined in this Section.

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

Public entity shall mean the State; any institution, agency, instrumentality, authority, county, municipality, city and county, district or other political subdivision of the State, including any school district and institution of higher education.

Special event or event shall mean a block party, parade, street fair, festival, outdoor concert, art and craft show, carnival, fun run or walk, bike ride or race or foot race, 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 City- owned plaza or park, or on other property, including private property and property owned or leased by the City, which event does not comply with traffic laws and controls or which may, in the reasonable judgment of the Coordinator or the service area director responsible for the administration of any City affairs impacted by the event, obstruct, delay or interfere with the normal activities, operations or flow of pedestrian or vehicular traffic on public property or which may create a significant risk of injury to the general public or participants in the event.

Special event terms and conditions shall mean the document setting forth the administrative requirements, rules and regulations governing special events that is approved as to form by the City Attorney's Office, and adopted by the City Manager pursuant to §23.5-3.

Street or highway has the same meaning as defined in Part 20 of the Fort Collins Traffic Code, as adopted in Section 28-16, and includes bike and pedestrian lanes or paths.

Sec. 23.5-3. Permit required.

(a) Any person desiring to conduct an event in the City, including on private property where the event impacts a public right of way or adjacent public property uses, shall first obtain a permit under this Chapter.

- (b) An event permit shall not be required for the following:
- (1) Events that occur exclusively within City natural areas, recreation areas, or on property owned by other governmental entities, or City-owned property managed by other governmental entities pursuant to an intergovernmental agreement with the City, 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, or on property owned by other governmental entities, or City-owned property managed by other governmental entities pursuant to an intergovernmental agreement with the City, 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 fifty (50) or fewer pedestrians marching along a route that is restricted to sidewalks and which crosses 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;
 - (4) Demonstrations.
- (c) Special event permit applications may not be submitted sooner than one (1) year prior to the event date. Such submissions by any person desiring to conduct a special event in the City must occur not less than:
- (1) twenty (20) business days before the date of the event for block parties;
 - (2) forty-five (45) business days before the date of the event for all other events not serving alcohol; or
 - (3) sixty (60) business days before the date of the event for events involving the sale or service of alcohol, or for events at the Civic Center Park/Washington Park event venue.

Sec. 23.5-4 Demonstration notice required.

- (a) Any person desiring to conduct a demonstration in the City, including on private property where the activity impacts a public right-of-way or adjacent public property use, shall file a notification of demonstration with the Coordinator in the manner established by the Coordinator at least twenty-four (24) hours prior to the demonstration. Failure to provide such notice may result in restriction, relocation, or prohibition of the activity.

- (b) The Coordinator and public safety officials need advance notice of a demonstration so they can advise demonstration organizers of permissible activities pursuant to the City Code, determine whether additional security is needed based upon the number of anticipated participants, and work with demonstration organizers to determine reasonable time, place, manner, location and route restrictions to protect the safety of persons and property.
- (c) Any person organizing a demonstration more than twenty-four (24) hours in advance, expected to involve more than fifty (50) persons, or where the activity is expected to substantially impede or interfere with vehicular traffic or pedestrian use of any public right-of-way, is encouraged to contact the Coordinator as soon as practicable prior to the activity, to determine whether elements of such activity not related to the communication or expression of views or grievances are subject to a permit or conditions related to public safety.

Sec. 23.5-5. Permit application dates; fees; deposits.

- (a) Any person desiring to obtain an event permit must file a complete application, including all required attachments, with the Coordinator within the time periods set in the administrative rules and regulations, and special event terms and conditions.
- (b) Prior to issuance of a permit, the applicant shall pay to the City all applicable fees and deposits in amounts determined by the City Manager in accordance with § 7.5-1 to be sufficient to cover the full cost of processing and investigating such permit application and administering the permit program set forth in this Chapter.
- (c) 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 shall be invoiced for the estimated traffic-control or security costs. 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.
- (d) Traffic control and security charges shall be paid within ten (10) days of the date on the invoice, even if the applicant is seeking appeal under § 23.5-9.

Sec. 23.5-6. Action on application.

The Coordinator shall approve, conditionally approve or deny an application on the grounds specified in this Chapter. Such action shall be taken no later than five (5) business days after receiving a completed application and applicable fees. 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 under § 23.5-9. 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, he or she shall inform the applicant in writing of the reason for the refusal, and of the applicant's right of appeal.

Sec. 23.5-7. 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 materially false; or
- (2) The applicant has failed to complete the application 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 demand for police, fire or other emergency service 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, parks, or other City facilities 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;
- (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.

Sec. 23.5-8. Permit conditions.

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 may include but are not limited to those described in § 23.5-10 and as set forth in administrative policies and procedures, rules and regulations, and special event terms and conditions adopted by the City Manager.

Sec. 23.5-9. Appeal procedure.

The applicant shall have the right to appeal the denial of a permit, the imposition of a permit condition, or a fee under § 23.5-5. 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 three (3) business days after receipt of a notice of denial or permit condition. Such receipt of notice shall be presumed three (3) business days after the date of mailing to the address provided in the application. The City Manager or his or her designee shall administratively review the decision to deny the permit or impose conditions no later than five (5) business days after receipt of the appeal notice. No hearing on the matter shall be required. The applicant and the Coordinator may present written evidence 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 after reviewing the decision. If the City Manager cannot complete such review and decision at least one (1) full business day prior to the time and date of an event, he or she promptly shall so notify the appealing applicant 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.

Sec. 23.5-10. Permit issuance; rules and regulations; terms and conditions.

(a) The City Manager or his or her designee is authorized to promulgate such rules and regulations, and permit terms and conditions, as are necessary to effectuate the implementation, administration, and enforcement of this Chapter.

(b) The Coordinator shall act in accordance with the City Manager's rules and regulations.

(c) The Coordinator shall issue the event permit once the applicant has acknowledged and agreed in writing to comply with all the rules and regulations and special event terms and conditions of the permit, including but not limited to the following:

- (1) Indemnification agreement;
- (2) Insurance coverage;
- (3) Application deadlines;
- (4) Site plan / route map requirements;
- (5) Notification requirements;
- (6) Noise variance (when applicable);
- (7) Emergency response plan;
- (8) Recycling and waste management plan;
- (9) ADA requirements;
- (10) Alcohol, smoking and firework restrictions;
- (11) Safety and security requirements;
- (12) Restoration requirements;
- (13) Sale of food, beverage, or merchandise restrictions;
- (14) Staking and utility locate restrictions;
- (15) Any and all special event terms and conditions.

Application approval may be dependent or conditioned on reasonable time, place, and manner restrictions, as well as applicant's ability to address public property and safety concerns.

Sec. 23.5-11. 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, a designee, or Fort Collins Police Services 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 special event terms and conditions.

(d) The applicant is not entitled to a refund of any fees paid, and the applicant may be liable to pay additional costs incurred by the City due to the revocation.

Sec. 23.5-12. Violations; penalties.

(a) It is unlawful for any person to sponsor or conduct a parade, or event 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 demonstration, event or parade.

(c) It is unlawful for any person to conduct a demonstration requiring a notification of demonstration without first providing the required notice.

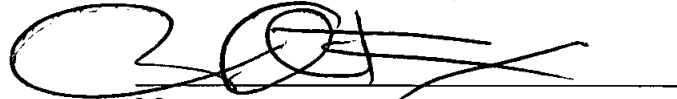
(d) It is unlawful for any person to sponsor or conduct a demonstration that does not comply with all reasonable time, place, manner, and route restrictions deemed necessary by the Coordinator and public safety officials.

(e) The event permit authorizes the permittee to conduct only such event as is described in the permit in accordance with the special event terms and conditions. It is unlawful for the permittee to knowingly violate the special event terms and conditions, or for any event participant with knowledge thereof to knowingly violate the special event terms and conditions of the permit.


(f) In addition to the penalties set forth in § 1-15, the Coordinator may consider the violation of the special event terms and conditions in approving or denying future event applications by the same applicant or organization.

Section 3. That Sections 23.5-13 through 23.5-16 of the Code of the City of Fort Collins shall be reserved.

Introduced, considered favorably on first reading, and ordered published this 6th day of February, A.D. 2018, and to be presented for final passage on the 20th day of February, A.D. 2018.


Mayor

ATTEST:



City Clerk



Passed and adopted on final reading on the 20th day of February, A.D. 2018.


Mayor

ATTEST:


City Clerk

