

CITY OF LAFAYETTE

ORDINANCE NO. 24, Series 2022

INTRODUCED BY: Councilor Nicole Samson

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, ENACTING A NEW CHAPTER 23 TO THE CODE OF ORDINANCES, PERTAINING TO COMMUNITY EVENT PERMITS

WHEREAS, in accordance with Sections 2.1 and 6.9 of the City of Lafayette Home Rule Charter and article 15 of Title 31 of the Colorado Revised Statutes, the City Council of the City of Lafayette (“City Council”) is empowered to erect, care for, and maintain all necessary public buildings for the use of the City, to regulate the public rights-of-way and the use thereof, and to adopt such laws, ordinances, and resolutions as the City Council deems proper to provide for the public peace and health, and for safety of persons and property; and

WHEREAS, the City Council’s strategic priorities include providing Quality Community Amenities and facilities that serve as community gathering places, enriched by quality programs and educational opportunities for residents of all ages; maintaining a Safe, Welcoming, and Inclusive Community that promotes a diversity of culture, ideas, and neighborhoods; and having a Sense of Place that supports a connected sense of community through natural spaces, the built environment, arts, history, and multiculturalism; and

WHEREAS, planned or promoted events that take place in whole or in part on public property, such as festivals, races, exhibitions, parades, artistic events, cultural events, educational events, civic events, and similar activities and gatherings, that take place within the City of Lafayette can add value for residents, businesses, and guests, and support the City Council’s strategic outcomes; and

WHEREAS, if not sufficiently or properly managed, planned or promoted events on public property can have adverse impacts on public property and on the community, such as street, road, alley, or sidewalk closures, noise, and traffic, that can be mitigated if appropriately reviewed and permitted by the City, with reasonable regulations and conditions in place that are necessary to protect City property and the public health, safety, and welfare; and

WHEREAS, the City Council desires to adopt a new chapter to be added to the Lafayette Code of Ordinances to provide for a community event permitting process and regulations, and to empower the City Administrator or their designee to issue such permits, to temporarily close public rights-of-way for permitted community events, to protect and preserve City property used for community events, and to adopt and enforce such rules and regulations as may be necessary and proper to administer, implement, interpret, and enforce the provisions of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AS FOLLOWS:

Section 1. That the Code of Ordinances, City of Lafayette, Colorado, is hereby amended by adding a new chapter to be numbered Chapter 23, which chapter reads as follows:

CHAPTER 23. COMMUNITY EVENT PERMITS

Sec. 23-1. Legislative intent.

The purpose of this chapter is to regulate events and activities conducted on public property, such as streets, roads, alleys, sidewalks, plazas, and community buildings, to assure public access to and safe use of the property. This chapter shall not apply to the use of city parks, open space, trails, or golf property subject to regulation and permitting under chapters 80 (Parks, Open Space, and Golf) and 81 (Recreation and Facility Management) of the code, unless such use otherwise requires a community event permit under section 23-3 of this chapter.

Sec. 23-2. Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly requires otherwise:

City administrator shall mean the city administrator for the City of Lafayette or their designee.

Community buildings shall mean public-access buildings owned by the city or under the control, management, or supervision of the city and which the city administrator has determined are available, or portions thereof are available, for events, subject to issuance of a community event permit under this chapter.

Event or events shall mean an assembly, gathering, or procession of people: (1) requiring the use of all or a portion of a community building, public street, road, alley, sidewalk, plaza, or other facility owned by the city; (2) involving the temporary closure of public streets, roads, alleys, sidewalks, plazas, or a portion thereof; or (3) impacting the flow of pedestrian, vehicle, bike, or bus traffic within the city. Examples of events include but are not limited to, festivals, celebrations, carnivals, concerts, races, parades, fundraisers, fairs, exhibitions, processions, athletic events, artistic events, cultural events, street closure events, civic events, and other similar activities, whether exclusive or open to the public.

Sec. 23-3. Applicability; permit required; exceptions.

(a) A community event permit shall be required for all planned or promoted events conducted on public property that meet any of the following criteria:

(1) For the use of a community building or a portion thereof for a public or private event;

(2) For the use, including temporary closure, of public streets, roads, alleys, sidewalks, or plazas owned by the City, or a portion thereof, for an event; or

(3) For an event, regardless of location, that will impact the flow of pedestrian, vehicle, bike, or bus traffic within the city, or that otherwise requires traffic control.

(b) The city administrator shall have the authority and discretion to issue community event permits for events in accordance with the requirements of this chapter and subject to the applicant's compliance with all other city, county, or state laws and regulations applicable to or otherwise governing the uses, activities, or location of the event.

(c) Nothing in this chapter shall be deemed to waive or supersede the requirement to obtain any other permit, license, or other permissions required by this code. A community event permit required under (a) of this section shall be in addition to any and all other permits, licenses, or permissions required by the code or by applicable city, county, or state laws, rules, and regulations for the uses, activities, or location of the event.

(d) This chapter shall not apply to:

(1) Events conducted on city parks, open space, trails, or golf property; such events are subject to regulation and permitting under chapters 80 (Parks, Open Space, and Golf) and 81 (Recreation and Facility Management) of the code, unless such event also meets any of the criteria in (a) of this section; and

(2) Events such as private parties, private group functions, or other similar private events that are conducted solely on private property; except that:

(A) Such events shall be conducted in compliance with all applicable ordinances, rules, regulations, and orders of the city, and all applicable county and state laws and regulations; and

(B) A community event permit shall be required for such events if the event will impact the flow of pedestrian, vehicle, bike, or bus traffic within the city, or that otherwise requires traffic control.

(3) Events such as private parties, private group functions, or other similar private events that qualify for and are granted a Block Party Permit by the city traffic engineer.

(4) Funeral processions for law enforcement officers or firefighters.

Sec. 23-4. Compliance required; zero-waste events.

(a) It shall be unlawful for any person to hold any event for which a community event permit is required under section 23-3 without first obtaining a community event permit from the city administrator and satisfying all conditions on such permit.

(b) All events held on or after January 1, 2023, for which a community event permit is required under section 23-3 are required to comply with the City's environmental stewardship

and zero-waste event rules and regulations adopted by the city administrator in accordance with section 23-10 of this chapter.

Sec. 23-5. Permit application.

(a) On or after the effective date of Ordinance No. 24, Series 2022, any person applying for a community event permit shall file an application for such permit with the city administrator not less than 60 days nor more than one year prior to the proposed event. The city administrator may waive the 60-day period at their discretion, but such waiver shall be conditioned on the applicant waiving all appeal rights.

(b) An applicant for a community event permit shall submit a completed, signed application to the city administrator on a form furnished by the city, and must include payment for the application fee and for all fees and deposits required for the requested uses or permits. All permit applications must be signed or co-signed by a person at least 21 years of age who shall agree to be responsible for payment for any damage that occurs during such event.

(c) The city administrator may require an applicant to provide any information relevant to the criteria in section 23-6 pertaining to the grant or denial of a permit or the possible conditions that may be imposed pursuant to section 23-6 that will aid the city administrator in deciding whether to issue the permit and under what conditions.

Sec. 23-6. Action on permit application; conditions.

(a) Before issuing a permit under this section, the city administrator shall consult with other city departments as may be required under the code for the proposed event, activities, and location of the event, and as otherwise required in rules and regulations issued pursuant to this chapter.

(b) The city administrator shall issue such permit upon finding that, in view of the location or area proposed to be used and the type of activities to be carried on at the event, the event complies with all requirements of this code and other ordinances of the city, the proposed location is available and appropriate for the event requested, the event would not constitute an obstruction of public property or a health or safety hazard, and the public benefit from the proposed event exceeds its detriments.

(c) The city administrator may impose reasonable conditions on the permit necessary to protect the safety of persons and property and the control of traffic, to protect and preserve public property, and to protect the public health, safety, and welfare.

(d) In the event that more than one community event application is received for the same community building, streets, roads, alleys, sidewalks, or plazas, or portion thereof for use on the same day, the city administrator shall consider the following priorities in determining which application to grant:

- (1) First - City events or events co-sponsored by the city.
- (2) Second - Uses sponsored by the school districts within the boundaries of the city.

- (3) Third - Groups composed primarily of city residents.
 - (4) Fourth - Groups composed primarily of nonresidents.
- (e) The city administrator may deny the application or suspend or revoke a permit for reasons including, but not limited to, the following:
- (1) The requested community building, street, road, alley, sidewalk, or plaza, or portion thereof is not available on the date or dates requested by the applicant.
 - (2) The event is not appropriate for the requested community building, street, road, alley, sidewalk, or plaza, or portion thereof because the size, activities, or nature of the event present either a substantial risk of damage to the city's property or a danger to the public health, safety, or welfare that cannot be acceptably mitigated with reasonable conditions on the permit.
 - (3) The proposed event is of a size or nature that requires the diversion of so great a number of police officers of the city to properly police the areas that police protection to the city may be impaired.
 - (4) The proposed event is of a size or nature that requires the diversion of so great a number of personnel or resources of the city that city operations or the operation of any particular city department or provision of any particular city service necessary to protect and promote the public health, safety, and welfare may be impaired.
 - (5) The applicant fails to timely file a complete application.
 - (6) The applicant fails to supply additional information requested and deemed necessary by the city administrator to determine whether the application may be granted under (a) and (b) of this section.
 - (7) The applicant has provided false information or misrepresented a material fact in connection with an application.
 - (8) The applicant has failed to obtain required insurance.
 - (9) The applicant refuses or fails to comply with all conditions placed on the permit.
 - (10) The applicant violates any provision of the code or other ordinance, rule, or regulation of the city governing the activities permitted by the permit.
 - (11) The applicant has within the past three years, from the application date, unlawfully conducted activities within the city that require a permit or license without obtaining such permission in advance.

- (12) The applicant had a city-issued community event permit revoked within the past three years from the application date.
- (13) The applicant has been finally convicted of an offense and would create danger to the public health, safety, or welfare if the applicant were to engage in such conduct after the permit were issued.

(f) If the city administrator denies, suspends, or revokes an application or permit under this section, the city administrator shall notify the applicant in writing stating the specific grounds for the denial, suspension, or revocation, and shall advise the applicant of the right to appeal pursuant to section 23-7 of this chapter.

Sec. 23-7. Right of appeal.

With respect to denial, suspension, or revocation of community event permits, an applicant may appeal the decision of the city administrator to an administrative hearing officer appointed by the city council. Applicant must file said appeal with the city clerk within 5 days of the city administrator's mailing of such decision. The administrative hearing officer shall hold a hearing within two weeks of the date of the filing of said appeal, at which time applicant may present any and all evidence, testimony, and information relevant to the application. The hearing officer shall, within 48 hours of said appeal hearing, issue a decision, either affirming the denial, suspension, or revocation or directing the city administrator to issue the permit as applied for, subject to any reasonable terms and conditions. The decision of the hearing officer shall be final.

Sec. 23-8. Fees and deposits.

(a) Upon application for a permit under this chapter, the applicant shall provide payment for the following:

- (1) A community event permit application fee in an amount established by resolution of the city council.
- (2) All usage fees and deposits for the use of any community building, street, road, alley, sidewalk, or plaza, or portion thereof. Such usage fees and deposits required shall be set by the city administrator, subject to the approval of the city council. The city administrator is hereby authorized to adjust usage fees and deposits in amounts that are reasonable and necessary to preserve, maintain, and manage such usage or facilities, subject to the approval of the city council.
- (3) All fees required for other applicable city permits, licenses, permissions, equipment, or personnel required for the event.

(b) Fees for special equipment or personnel of the city unknown at time of application will be billed after the event when computation thereof is accomplished.

Sec. 23-9. Liability; insurance.

(a) All persons to whom a permit has been granted under this chapter must agree in writing to hold the city, its officials, employees, and agents harmless and to indemnify same from any

and all liability for injury to persons or property occurring as a result of the event, and said person shall be liable to the city for any and all damage to any city property, building, recreation facility, street, road, alley, sidewalk, plaza, park, trail, open space, landscaping, vegetation, or equipment owned by the city that results from or during the event or is caused by any participant in said event.

(b) The city administrator may, in their discretion, require a permittee to carry and maintain in force general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit. Such insurance shall:

- (1) Provide primary coverage;
- (2) Carry limits as provided in this section;
- (3) Issue from a company licensed to do business in Colorado having an AM Best rating of at least A-VI; and
- (4) Be procured and maintained in full force and effect for duration of the permitted event.

(c) Any permittee required to maintain insurance under (b) of this section shall provide the city a certificate of insurance evidencing the existence of a valid and effective policy at least 14 days prior to the proposed event. The policy shall name the City of Lafayette and its officials and employees as additional insureds to the limits required by this section. The certificate of insurance shall show the following:

- (1) The limits of each policy, the name of the insurer, the effective date and expiration date of each policy, the policy number, and the names of the additional insureds.
- (2) A statement that permittee or its insurance broker shall notify the city of any cancellation or reduction in coverage within 7 days of receipt of insurer's notification to that effect. The licensee, permittee, or lessee shall forthwith obtain and submit proof of substitute insurance in the event of expiration or cancellation of coverage.
- (3) City of Lafayette at 1290 S. Public Road, Lafayette, CO 80026, shall be listed as certificate holder.

(d) The city administrator may modify or waive the requirements of this section if they find that adequate insurance coverage is provided to protect the interests of the city, its employees, and officials.

(e) The city administrator may require insurance coverage in excess of the requirements of this section if they find such coverage is necessary to protect the interests of the city, its employees, and officials.

Sec. 23-10. Administrative rules and regulations.

(a) The administration of this chapter is hereby vested in the city administrator, who is empowered and authorized to adopt and enforce such rules and regulations as may be necessary and proper to administer, implement, interpret, and enforce the provisions of this chapter, including, without limitation, prescribing forms for permit applications and information that applicants shall provide, books and records that permittees shall keep, regulations and rules necessary to achieve the environmental stewardship and zero-waste event objectives of the City, and regulations necessary for maintenance, repairs, or the protection or preservation of any city property, buildings, facilities, structures, lands, plazas, public rights-of-way, landscaping, or vegetation, or to protect the public. All persons shall comply with such rules and regulations.

(b) The city administrator may prepare and adopt such regulations as necessary by dating and signing the regulations after consultation with and review by the city attorney. Such regulations shall become effective upon the signature of the city administrator or at such later date as specified by the city administrator.

(c) Within 10 days following adoption, the city administrator shall cause notice of the adoption of such rule or regulation to be published, along with the complete text of the regulation as follows: on the city's official website where it shall remain available, posted in a prominent location in city hall for 30 days following adoption, and on file at the city clerk's office for public inspection.

(d) The city clerk shall be the custodian of the city administrator's rules and regulations and shall maintain an official copy available for public inspection and copying during regular business hours, upon payment of a fee for such copies in accordance with applicable law. Applicants for community event permits shall be advised of all applicable rules and regulations adopted under this chapter before or upon submitting an application.

Sec. 23-11. Enforcement of rules.

The city administrator and any duly authorized enforcement official or law enforcement officer of the city shall diligently enforce the provisions of this chapter and shall have the authority to eject from any city property or public right-of-way any person acting in violation of the provisions of this chapter, the code, any permit conditions, or any rules or regulations promulgated under the code. Further, the city administrator shall have the authority to deny use of any city property or public right-of-way to individuals or groups who refuse to comply with the provisions of this chapter, the code, any permit conditions, and any rules or regulations promulgated under the code.

Sec. 23-12. Street, road, alley, and sidewalk closures.

(a) Upon consultation with the city's traffic engineer, the city administrator is authorized to close streets, roads, alleys, sidewalks, and other public rights-of-way or portions thereof temporarily for events in conjunction with the issuance of a community event permit, upon the traffic engineer's written determination to the city administrator that the proposed closure or closures will not adversely affect the public safety and convenience, and subject to such

conditions as the traffic engineer deems reasonable to protect the public health, safety and welfare, including without limitation:

- (1) The permittee securing the approval of the Colorado Department of Transportation in advance of the event if any portion of the event is on a state highway;
- (2) The permittee's agreement to erect, install, and maintain such traffic control devices, at the permittee's expense, as are reasonably necessary to effectuate the traffic engineer's determinations and to cover emergencies and other special circumstances;
- (3) The permittee's agreement to pay the city's reasonable costs, as determined by the city administrator, of the extra expenses, including, without limitation, salaries and overtime of city employees, reasonably occasioned by city participation in preparation, monitoring, directing traffic, securing areas and returning the areas to their normal use, and payment of such amounts in advance or provision of security for such payment obligation in advance by a method acceptable to the city administrator.

(b) A permittee's failure or refusal to comply with all such conditions shall be grounds for revocation of the community event permit.

Section 2. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 4. The repeal or modification of any provision of the Code of Ordinances, City of Lafayette, Colorado, by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 6. Violations of this ordinance shall be punishable in accordance with Section 1-10 of the Code of Ordinances, City of Lafayette, Colorado.

Section _____ 7. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED AND PASSED ON FIRST READING THE 19TH DAY OF JULY, 2022.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE 2ND DAY OF AUGUST, 2022.

CITY OF LAFAYETTE, COLORADO

Jaideep Mangat, Mayor

ATTEST:

Lynnette Beck, City Clerk

APPROVED AS TO FORM:

Mary Lynn Macsalka, City Attorney