TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2022 -226

AN ORDINANCE AMENDING CHAPTER 6 OF THE JOHNSTOWN MUNICIPAL CODE TO INCLUDE ARTICLE XII, SPECIAL EVENT PERMITS

WHEREAS, the Town of Johnstown, Colorado is a municipal corporation duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, Chapter 6 of the Johnstown Municipal Code regulates licensing and permitting in the Town; and

WHEREAS, Town staff recommends that the Town Council amend Chapter 6 to adopt policies and procedures regulating special events, including parades, athletic contests and other outdoor events, because such events require the temporary closure of streets, roads, highways, sidewalks or bike and pedestrian lanes or paths that are normally open to the public or require the modification of normal traffic uses of any street, road or highway in the Town; and

WHEREAS, based on Town staff's recommendation, the Town Council desires to adopt policies and procedures regulating special events; and

WHEREAS, the Town Council finds that it is in the best interest of the Town of Johnstown to amend Chapter 6 of the Johnstown Municipal Code to include Article XII, Special Event Permits.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:

Section 1. Chapter 6 of the Johnstown Municipal Code shall be amended to include Article XII, Special Event Permits, and shall read as follows:

ARTICLE XII SPECIAL EVENT PERMITS

Sec. 6-220. Purpose.

This Article establishes standards for the issuance of permits for special events in the Town.

Sec. 6-221. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

Applicant means any person or organization who applies for a special event permit.

Permit or *special event permit* means a permit issued for a special event.

Permittee means any person or organization issued a special event permit by the Town Clerk.

Special event means a parade, athletic contest or other outdoor event requiring temporary closure of streets, roads, highways, sidewalks or bike and pedestrian lanes or paths that are normally open to the public, or the changing, restricting or adapting of the normal traffic uses of any street, road or highway in the Town.

Street or *highway* has the same meaning as defined in the Model Traffic Code and other ordinances appearing in this Code and includes bike and pedestrian lanes or paths.

Sec. 6-222. Permit required.

Any person or organization desiring to conduct a special event shall first obtain a permit from the Town Clerk. A permit shall not be required for a special event that does not involve the closure of any streets, roads, highways, sidewalks or bike and pedestrian lanes or paths that are normally open to the public. Funeral processions shall not be considered special events.

Sec. 6-223. Application procedure and fee.

(a) Any person or organization desiring to conduct a special event shall apply for a special event permit by submitting an application to the Town Clerk, on a form supplied by the Town Clerk. Applications must be submitted not less than forty-five (45) business days nor more than six (6) months before the special event date.

(b) If the applicant is not an organization qualified for exemption from the payment of Town sales and use taxes, the application for a special event permit shall be accompanied by a nonrefundable application fee in an amount set forth in the Town Fee Schedule.

(c) Upon receipt of a complete application and fee, if applicable, the Town Clerk shall approve, conditionally approve or deny an application for the reasons specified in this Article.

Sec. 6-224. Grounds for denial of application.

The Town Clerk shall approve an application for a special event permit unless the Town Clerk determines that:

(1) Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material detail,

(2) The applicant fails to complete the application form after having been notified of the additional information or documents required;

(3) Another special event permit or application has been received prior in time, or has already been approved, to hold another special event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion;

(4) The time, route or size of the special 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;

(5) The size, nature or location of the special event will present a substantial risk to the public health, safety or welfare, participants in the event or other persons;

(6) The location of the special event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the Town streets or a previously granted encroachment permit;

(7) The special event will 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;

(8) The special event involves the use of hazardous, combustible or flammable materials which could create a fire hazard;

(9) The special event will violate an ordinance or statute; or

(10) The issuance of the special event permit is not in the best interest of the public health, safety or welfare.

Sec. 6-225. Permit conditions and requirements.

The Town Clerk may condition the issuance of a special event permit by imposing conditions and requirements, including but not limited to the following:

(1) Approval of any other jurisdiction in addition to the Town that may be part of the proposed special event;

(2) Submission of a traffic control plan to be approved by the Town Clerk and the Johnstown Police Department;

(3) All required traffic control shall be done at the permittee's expense;

(4) A written operational plan regarding the management of the special event;

(5) Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the special event to only a portion of a street or highway;

(6) 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;

(7) Requirements for provision of first aid or sanitary facilities, including portable toilets;

(8) Requirements for arrangement of supplemental fire protection and emergency medical services personnel to be present at the special event at the permittee's expense;

(9) Requirements for use of special event monitors and providing notice of permit conditions to event participants and affected property owners;

(10) Restrictions on the number and type of vehicles as may be required for fire safety by the Front Range Fire Rescue Fire Protection District and/or the Loveland Fire Rescue Authority;

(11) Requirements for use of garbage containers, cleanup and restoration of Town property;

(12) Restrictions on the use of amplified sound; and/or

(13) Requirements for public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and/or property damage arising from the special event. The Town Clerk shall determine whether to require such insurance and the amount of any required insurance.

Sec. 6-226. Appeal procedure.

The applicant shall have the right to appeal the denial of the issuance of a permit or a permit condition. A notice of appeal shall be filed with the Town Manager's office, setting forth the grounds for the appeal, within five (5) business days after the Town Clerk provides written notice of denial of the issuance of the permit or the permit condition. The Town Manager shall thereafter determine whether to

sustain, reverse or modify the Town Clerk's decision. In so doing, the Town Manager may conduct a hearing. The Town Manager shall endeavor to render a decision in a timely manner that provides the applicant at least three (3) days' notice prior to the date and time of the proposed special event. If the Town Manager determines that circumstances do not permit the rendering of a decision in such time period, the Town Manager shall notify the applicant in writing and the applicant may thereafter seek judicial review of the permit denial or condition with no further administrative review. The Town Manager's decision shall be final, subject only to such judicial review as permitted by law.

Sec. 6-227. Permit issuance.

If the Town Clerk determines that a permit should be granted, the Town Clerk shall issue the special event permit once the permittee has agreed in writing to comply with all terms and conditions of this Article.

Sec. 6-228. Rules and regulations.

The Town Clerk may, with approval of the Town Manager, adopt rules and regulations not inconsistent with the provisions of this Article governing special events. Such rules and regulations shall be on file and available for public examination in the office of the Town Clerk. The failure to comply with any rule or regulation promulgated under this Article, as such rules and regulations may be amended from time to time, shall be deemed a violation of this Article.

Sec. 6-229. Indemnification.

Prior to the issuance of a special event permit, the Town Clerk shall require the permittee and authorized officer of the sponsoring organization, if any, to sign an agreement providing that, unless subsequently waived by the Town in writing, the permittee shall reimburse the Town for any cost incurred by the Town in repairing damage to Town property resulting from the permitted special event. The agreement shall also provide that the permittee shall, unless subsequently waived by the Town in writing, defend the Town against, and indemnify and hold the Town harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the permitted special event.

Sec. 6-230. 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 special event along a route, or the person in charge of any other special event, is familiar with all the provisions of the permit and carries the special event permit on his or her person for the duration of the event.

(c) Immediately following the completion of the special event, 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.

Sec. 6-231. Revocation of permit.

(a) The Town Clerk may, at any time prior to the special event, revoke or terminate a special event permit to protect the public health, safety or welfare or if conditions have changed since issuance of the permit in a manner that would have required denial of the issuance of the permit in the first instance.

(b) The Town Manager or the Town Clerk may revoke or terminate the special event permit during the course of the special event if continuation of the event presents a clear and present danger to the participants or the public.

Sec. 6-232. Violations.

(a) It is unlawful for any person to sponsor or conduct a special event unless a permit has been issued for the event. It is unlawful for any person to participate in a special 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 special event.

(c) The special event permit authorizes the permittee to conduct only the special event 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 special event participant with knowledge of the permit to knowingly violate the terms and conditions of the permit.

(d) Any person who violates any provision of this Article may be punished in accordance with the provisions of Article IV of Chapter 1 of the Code.

(e) No remedy provided herein shall be exclusive, but the same shall be cumulative. The taking of any action permitted by this Article shall not preclude or prevent the taking of other action, including the filing a charge or conviction of a violation of this Article in the Municipal Court.

Section 2. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

Section 3. Code revisions. Minor changes such as the format and other changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

Section 4. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("Charter") and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 23rd day of February, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

TOWN OF JOHNSTOWN SEAL COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this 7th day of March, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor