

**PUBLIC NOTICE**

Notice is hereby given that the Town of Dolores Board of Trustees approved the following Ordinance.

**ORDINANCE NO 579  
SERIES 2024  
AN ORDINANCE AMENDING TITLE 5 OF THE DOLORES MUNICIPAL CODE  
PERTAINING TO SPECIAL EVENTS**

WHEREAS, Colorado Revised Statutes, § 31-15-401 grants general police powers to the Board of Trustees to promulgate ordinances for the health, safety, and welfare of the public, including regulation of lands owned by the Town within its corporate boundaries.

WHEREAS, Colorado Revised Statutes, § 31-35-402 grants general powers to the Board of Trustees to regulate festivals, events and the sale of alcohol and promulgate ordinances for the health, safety, and welfare of the public, including regulation of lands owned by the Town within its corporate boundaries.

WHEREAS, there is a need to amend and modernize the Town’s ordinances pertaining to manner in which special event permits and sale of alcohol are issued.

WHEREAS, the Board of Trustees, in order to promote the health, safety, and welfare of the public in order balance the benefits and burdens that come with the Town’s increasing popularity of special events, and changes to the manner in which alcohol is commonly sold, wishes to amend Section 5.04.040 and add additional section of the Dolores Municipal Code

NOW THEREFORE, BE IT ORDAINED BY TOWN OF DOLORES BOARD OF TRUSTEES THAT a new Chapter 5.04.040 to the Dolores Municipal Code as follows:

Section 1. Dolores Municipal Code Section 5.04.040 is repealed, replaced, and amended as follows:

**5.04.040. - SPECIAL EVENTS BUSINESS LICENSE**

Section 5.04.041. - Purpose.

The purpose of this chapter is to provide for and regulate the use of public property to minimize the impacts of large groups and to ensure that public property is reasonably available and safe for use by the public.

Section 5.04.042. - Definitions.

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

Demonstration means a rally, picketing, protest, speechmaking, march, vigil, religious service or

Public property means any property owned or controlled by the Town and open to the public or available for public use, including without limitation public streets, rights-of-way, sidewalks, parks, open space, facilities, and public buildings.

Special event means a planned event involving a gathering of 50 or more people which occurs on parks, streets, or other public property, including without limitation block parties, parades, festivals, walks, running or bicycle races, fundraisers, picnics, or sports tournaments, but excluding demonstrations.

Section 5.04.043. - Permit required.

It is unlawful for any person to stage, hold, present, or conduct a special event within the Town without a valid permit issued under this chapter.

Section 5.04.044. - Exemptions.

The provisions of this chapter shall not apply to an indoor event or including an event at the Dolores Community Center.

Section 5.04.043. - Application.

A. Any person desiring to sponsor or conduct a special event shall file an application with the Town Manager's office on a form supplied by the Town.

B. Each application shall be accompanied by a signed indemnification agreement stating that the applicant, in exchange for issuance of the permit, agrees to reimburse the Town for any costs incurred by the Town in repairing damages to public property caused by the applicant, sponsors, invitees, or participants of the special event or demonstration and agreeing to defend the Town against, and indemnify and hold the Town harmless from, any liability to any person or property that arises from or is related to the special event or demonstration.

C. Each application shall be accompanied by a nonrefundable application fee in such amount established by resolution of the Town Council. Demonstration permits shall not be subject to an application fee.

D. Each application from an entity shall provide a certificate of good standing from the Colorado Secretary of State.

E. Each application from a not for profit organization shall provide proof of its tax exempt status.

F. Each application from an entity shall disclose the name, address, phone number and email address of the event organizer authorized to act on behalf of the entity and be accompanied by a resolution signed by the governing board of the organization.

Section 5.04.044. - Review; decision.

A. Upon receipt of a complete application, the Town Manager shall transmit copies of the application to such persons, agencies, or departments as the Town Manager deems appropriate.

Within ten days, the referral agencies shall provide the Town Manager with any comments concerning the application.

B. The Town Manager shall recommend approval, denial or conditional approval an application for a special event permit to the Board of Trustees within 40 days of receipt of the completed application.

Section 5.04.045. - Criteria for denial; conditions.

A. The Board of Trustees shall apply the following criteria in determining whether to grant or deny special event permit:

1. Whether information contained in the application or supplemental information obtained from the applicant is found to be false in any material detail;
2. Whether the applicant is not legally competent to contract under Colorado law;
3. Whether the applicant or the person on whose behalf the application is made has failed to pay costs, fees, or deposits for a previous special event or demonstration permit within the preceding five years; or the applicant has failed to pay the Town for damages arising from a previous special event or demonstration held by the applicant, regardless of when such event was held;
4. Whether the applicant has failed to abide by the requirements or conditions of a previous permit within the preceding five years;
5. Whether the special event will conflict with: a special event or demonstration for which a permit has already been issued; a Town-sponsored event; or an annual special event which is reasonably expected to be held again, but for which an application has yet to be submitted.
6. Whether the location of the special event will substantially interfere with any scheduled construction or maintenance work;
7. Whether the special event will cause significant disruption in the ability of the Town to deliver or provide essential governmental services;
8. Whether adequate sanitation and other required health facilities are not and cannot be made available at or sufficiently near the proposed special event or demonstration area(s); or
9. Whether sufficient parking is not available near the location of the special event or demonstration to accommodate the number of vehicles reasonably expected, and an acceptable transportation and parking plan to provide adequate parking has not been submitted.

B. The Board of Trustees may impose reasonable conditions on approval of a special event, when necessary to protect the public health, safety, and welfare of the public, including without limitation:

1. Alteration of the date, time, duration, frequency, route, or location of the special event;
2. A deposit in an amount the Board of Trustees finds is appropriate based upon an estimate of the actual costs to be incurred by the Town in the clean-up of the special event;
3. Proof of insurance demonstrating that the permittee has in effect a policy of general liability insurance in an amount determined by the Town Manager based upon issues routinely considered by the Town in evaluating loss exposures;
4. Conditions concerning parking, pedestrian, or vehicular traffic, including without limitation restricting the special event or demonstration to only a portion of a street or right-of-way;
5. Traffic control requirements, such as traffic cones, barricades, or other traffic control devices;
6. Provision of emergency access and first aid or sanitary facilities;
7. Supplemental fire protection or law enforcement personnel to be present at the special event;
8. Notice of the special event or demonstration to surrounding neighborhoods;
9. Restrictions on the number and type of vehicles, animals or structures and inspection and prior approval of floats, structures and decorated vehicles;
10. Required trash receptacles, cleanup, and restoration of property;
11. Restrictions on amplified sound;
12. Designation of a contact person with decision-making authority who will be continuously available to law enforcement personnel and present at the special event or demonstration;
13. Provide proof that a sales tax has been obtained by the applicant or that the applicant is exempt from sales tax;
14. Require that event vendors obtain a sales tax license unless taxes are collected by the event sponsor or organizer;

15. Require that the event sponsor or organizer submit to the town clerk within thirty days after the conclusion of the special event a written financial report reflecting, at a minimum, total sales of goods and/or services generated at the special event and the total sales tax revenues collected. Compliance with the reporting requirements in this subsection shall be in addition to any required sales tax reporting due to the Colorado Department of Revenue.

Section 5.04.046. - Duties of permittee; posting.

In connection with the holding of the special event for which a permit is issued, a permittee shall:

- A. Comply with all of the terms and conditions of the permit and all applicable Town ordinances, the rules, regulations, and policies adopted by the Town Manager pursuant to Section 5.04.050, and state and federal law;
- B. Permit inspection of its records and special event facilities by the Town Manager for the purpose of determining the permittee's compliance with the terms and conditions of the permit; and
- C. Ensure that a copy of the permit is continuously posted in a conspicuous location at the site of the special event throughout the duration of the event.
- D. Notify and ensure that all vendors of the special event are notified of the rules and conditions of the permit and where applicable of their duty to obtain a sales tax license.

Section 5.04.047. - Suspension; revocation.

- A. The Board of Trustees or the Town Manager may suspend or revoke a permit at any time prior to the special event or demonstration if: conditions change or facts come to light so that the application could have been denied in the first instance; or the terms of a conditional permit have not been satisfied in the time specified for meeting the condition.
- B. The Town Manager may suspend or revoke a permit during the course of the special event or demonstration if: continuation of the special event or demonstration presents a clear and present danger to the participants or the public health, safety or welfare; or the special event or demonstration fails to comply with any condition of the permit or any applicable law.
- C. In deciding whether a permit should be suspended or revoked, the Board of Trustees or Town Manager shall consider: the nature and seriousness of the issue; the corrective action, if any, taken by the permittee; and the likelihood of recurrence.
- D. No application fees paid by a permittee in connection shall be refunded if such permit is suspended or revoked.

Section 5.04.048. - Permit non-transferable.

A permit is non-transferable and non-assignable. Any attempt to transfer or assign such permit voids the permit.

Section 5.04.049. - Relationship to other ordinances.

A. The permittee shall ensure that the special event or demonstration complies with all other applicable law. Specifically:

1. A permit issued under this chapter is not a special events liquor license. If alcoholic beverages are to be served, the permittee must obtain the required permit or approval.
2. A development permit or building permit may be required depending upon the size and scale of any temporary structures proposed to be used in connection with the special event or demonstration.
3. Notwithstanding the foregoing, a permit issued under this chapter may authorize the permittee to display temporary signage in connection with the special event or demonstration, if the signage is included in the application and approved as part of the permit.

Section 5.04.050. - Rules, regulations, and policies.

The Town Manager is authorized to adopt administrative rules, regulations and policies as may be necessary for the proper administration of this chapter.

Section 05.04.051. - Violation and penalty.

A. It is unlawful to violate any provision of this chapter. Violations of this chapter shall be punished as set forth in Chapter 1.12.010.

B. In addition to all other available remedies, a special event without a valid permit issued pursuant to this chapter may be enjoined by any court of competent jurisdiction.

Section 2. The Town Trustees hereby finds, determine, and declare that this Ordinance is promulgated under the general police power of the Town of Dolores, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Trustees further determine that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 5. This Ordinance shall take effect immediately upon adoption. The Town of Dolores Board of Trustees hereby finds, determines, and declares this ordinance is necessary for immediate preservation of the health, safety, and welfare of its citizens.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 9<sup>th</sup> day of September 2024, in the Town Board Chambers in Town Hall, Dolores, Colorado, at which time and place all persons may appear and be heard concerning the same.

Passed adopted and approved on September 23rd, 2024, second and final reading.

DOLORES BOARD OF TRUSTEES:

/s/ Tammy Neely

Dolores Town Clerk