

TOWN OF FRASER
ORDINANCE NO. 414
Series 2013

**AN ORDINANCE AMENDING THE FRASER MUNICIPAL CODE BY ADOPTING
PERMIT PROCEDURES AND OPERATIONAL REQUIREMENTS FOR SPECIAL
EVENTS WITHIN THE TOWN OF FRASER.**

WHEREAS, the Board of Trustees finds and determines that the provisions of this Ordinance and the regulations herein adopted for the permit procedures and operational requirements for special events are reasonable and necessary to protect and preserve the health, safety and welfare of the citizens of the Town of Fraser, Colorado.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FRASER, COLORADO, AS FOLLOWS:

PART 1: AMENDMENT OF MUNICIPAL CODE.

1.1 The Code of the Town of Fraser, Colorado (herein sometimes referred to as the "Municipal Code"), is hereby amended by adding a new Article to Chapter 6 of said Code, to be numbered "Article 6 – Special Event Permit Procedures", which shall read as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

1.2 The Fee Schedule set forth in Appendix A of the Municipal Code is hereby amended by adding the following fee under Chapter 6 of said Appendix A:

Municipal Code-Based Fees, Costs and Deposits		
<i>Code Section</i>	<i>Fee/Charge</i>	<i>Amount</i>
Chapter 6		
6-6-30	Application fee for Special Events Town Board Review	\$150.00 plus reimbursement of any additional fees or expenses incurred by the Town and/or reimbursement of any Town expenses incurred in excess of this amount.
6-6-30	Application fee for Special Events – Administrative Review	N/A
6-6-30	Special Event Liquor License fee	\$100.00
6-5-30	Special Event Business License	\$20.00
6-6-50	Special Event Security Deposit	\$TBD; Based on size and scale of the event. (Applicable only if event is held on Town property)

PART 2: PENALTY CLAUSES. The following section of the Code of the Town of Fraser, Colorado, contains penalty clauses applicable to violations of this Ordinance, and such section is herewith set forth in full and hereby enacted:

Sec. 1-4-10. General penalty for violation.

It shall be unlawful for any person to violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this Code; and where no specific penalty is provided therefor, the violation of any provision of this Code shall be punished by a fine not exceeding two thousand six hundred fifty dollars (\$2,650.00), by imprisonment for a term not exceeding one (1) year, or by both such fine and imprisonment. Each day such violation continues shall be considered a separate offense

PART 3: REPEAL. Any and all existing ordinances or parts of ordinances of the Town of Fraser covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

PART 4: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance or the said Codes adopted herein is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance or said Codes. The Town of Fraser hereby declares that it would have adopted this Ordinance and said Codes, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases thereof be declared invalid or unconstitutional.

PART 6: PUBLICATION. This Ordinance shall be published by title only.

READ, PASSED, ADOPTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES AND SIGNED THIS 6th DAY OF NOVEMBER, 2013.

Votes in favor: 7

Votes opposed: 0

Votes abstained: 0

(SEAL)



BOARD OF TRUSTEES OF THE
TOWN OF FRAZER, COLORADO

BY:

Peggy Smith, Mayor

ATTEST:

Lu Berger, Town Clerk

Published in the *Middle Park Times* on November 21, 2013.

ARTICLE 6

Special Event Permit Procedures

Sec. 6-6-10. Definition.

(a) As used in this Article, the following word shall have the following meaning unless the context clearly requires otherwise:

Special event means any organized activity or assemblage consisting of, or reasonably expected to consist of, one hundred (100) or more persons involving the use of, or having an impact on, public facilities, parks, sidewalks, street areas or the temporary use of public or private property. *Special event* does not mean an organized activity that is a normal and customary course of business for a facility or home (i.e. game night at a restaurant and/or bar; birthday and/or graduation parties; family reunions).

Sec. 6-6-20. Permit required.

(a) A special event permit application shall be prepared on a form provided by the Town of Fraser. The Town Clerk shall endorse the date of its receipt on the application and shall schedule a public hearing. Any special event held at the Fraser Historic Church/Community Center is exempt from the regulations herein described in this Article 6. If alcohol will be served at the event, the applicant must comply with all applicable Town and State regulations.

(b) If a special event will have minimal impact to the community, as determined by the Town Manager, the special event permit application may be reviewed for approval by Town staff at an administrative level (i.e. community block party, memorial service). The application form and additional information detailed in Sec. 6-6-30 are still required; however Sections 6-6-40 and 6-6-50 do not apply.

Sec. 6-6-30. Application for a special event permit and application fee.

A special event permit application shall be prepared on a form provided by the Town Clerk's office. An application fee shall be paid at the time of filing the special event permit application. The amount of the application fee shall be in accordance with the current fee schedule in effect when the application is filed, as established by the Board of Trustees. A special event liquor license fee and special event business license fee may also be required. The application must be submitted fourteen (14) days prior to Fraser Town Board meeting at which it will be heard.

In addition to the application, the following information is required:

- (a) Copies of a site map showing proposed development of the site, building locations, parking, traffic circulation, location of toilets, tents, trash, security, staging, emergency routes, water and medical stations, if applicable. The site plan shall be in a format and quantity as specified by Town staff.
- (b) A description of the nature of the proposed special event and its operating characteristics and measures proposed to mitigate impacts with other properties in the vicinity and the general public.
- (c) If the property is owned by other property owners than the applicant, a letter of permission to use the property for the proposed use must be included.
- (d) Any other information that may be required in order for the Fraser Town Board to make an informed decision, as determined by the Town.

Sec. 6-6-40. Procedures.

- (a) Upon receipt of an application for a special event, the Town Clerk shall promptly schedule a public hearing upon the application. The Town Clerk shall post and publish public notice thereof not less than ten (10) days prior to the hearing. The Town Clerk shall give public notice by the posting of a sign in a conspicuous location at the site of the proposed event and by publication of the notice in the official newspaper of general circulation of the Town.
- (b) The notice of the hearing, which is posted and published, should at a minimum, contain the following: The time and place of hearing; the name and address of the applicant; a brief description of the land and/or event which is the subject of the matter to be heard; and the purpose of the hearing and the special event requested.
- (c) The Town Board shall conduct a public hearing on the matter. The applicant has the burden of presenting all necessary and relevant information and evidence in support of the application to enable the Board to consider the matter and to make findings on the subject.
- (d) The Town Board shall consider the following criteria:
 - The health, safety and welfare of the residents of the Town;
 - The effect on the surrounding neighborhood;
 - The likelihood of a nuisance being created;
 - Whether the event does not substantially or inalterably change the character of the neighborhood and the Town of Fraser.

Sec. 6-6-50. Issuance or denial of special event permit.

After hearing the evidence and considering the application, the Town Board shall make its findings via resolution. If the Town Board grants a special event permit, it may impose any conditions which it considers necessary. If the special event is proposed to be held on Town property, the Applicant shall provide the Town with a current certificate of liability insurance and endorsement naming the Town as an additional insured. Such insurance shall be provided in an amount and form approved by the Town. In addition, if the special event is proposed to be held on Town property, a security deposit may be charged depending on the size and scale of the event.

(a) In its findings, the Board shall report the facts found and its conclusion whether a permit or application is granted, granted with conditions or denied.

Sec. 6-6-60. Duration of permits.

(a) A special event permit which is not used within the time frame specified in the permit application is void. A special event permit is void upon completion of the event as specified within the permit application.

(b) Should the event be a more permanent and repetitive nature (i.e., repeating over numerous weekends, months, or years), the Town Board shall have the discretion to issue a permit to accommodate multiple events or a designated event for multiple months or years.

Sec. 6-6-70. Revocation of permits.

(a) The Town may revoke a special event permit for any of the following grounds:

- Violation of this Article;
- Violation of any permit conditions;
- Causing or allowing a nuisance in connection with the premises;

Sec. 6-6-80. Penalty.

Failure to comply with the provisions of this Article shall constitute a violation of this Code and, in addition to being grounds for denial or revocation of a special event permit, such violation may be punished as provided in Section 1-4-10 of this Code.