

**ORDINANCE NO. 6**

**SERIES 2014**

**AN ORDINANCE AMENDING CHAPTER 6 OF THE  
CRESTED BUTTE MUNICIPAL CODE TO  
INCLUDE REQUIREMENTS SPECIFICALLY FOR  
MAJOR SPECIAL EVENTS**

WHEREAS, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the constitution and laws of the State of Colorado;

WHEREAS, Chapter 6, including Section 6-4-120 of the Crested Butte Municipal Code (the "**Code**"), contains certain requirements for the conduct and permitting of special events in Crested Butte;

WHEREAS, the Town staff has found that these requirements are inadequate for the processing of applications for, and the permitting of major special events involving the impacts created by 1,000 or more people during any single day such that such major special events necessitate amendments to the Code to include new application, review, approval and permitting requirements for such major special events; and

WHEREAS, the Town Council has determined that the revisions to the Code as set forth in this ordinance accomplish the Town staff's goals of including application, review, approval and permitting requirements to specifically address major special events involving the impacts created by 1,000 or more people during any single day as described above and are therefore in the best interest of the general health, safety and welfare of the residents and visitors of Crested Butte.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

**Section 1.** **Adding a New Article 6, Major Special Events to Chapter 6 of the Code.** A new Article 6 is added to Chapter 6 of the Code that shall read as follows:

**"ARTICLE 6**

**Major Special Events**

**Sec. 6-6-10. Purpose.**

The purpose of this Article is to establish procedures and submittal requirements for applications to conduct major special events in Crested Butte. Due to the potential for significant impacts caused by major special events upon residents, streets and public improvements, law enforcement and other administrative resources, this Article is

intended to provide the Town the greatest possible degree of legislative discretion and authority in the review and approval of major special event permits.

**Sec. 6-6-20. Definitions.**

As used in this Article, the following words and terms shall be defined as follows:

*Major special event* means any organized assemblage of 1,000 or more people during any single day for the purpose of participation, attendance and observation of a nationally or regionally advertised or televised sporting, recreational, entertainment or other similar event or activity. A major special event and the associated permit may span multiple days. A major special event *shall not* include normal day-to-day, routine, regularly scheduled, seasonal or annually recurring special events and/or those lawfully conducted by nonprofit organizations, private clubs, public recreational facilities or nonprofit recreational facilities requiring no more than one variance under the Code in the issuance of the major special event permit. Nonprofit organizations utilized to avoid the requirements of this Article shall not be deemed to be a nonprofit organization for purposes hereof and shall be deemed to be an artifice.

*Support services* means any use of property to provide services in support of a major special event, including but not limited to parking areas, passenger pick-up and drop-off areas, concession or vendor booths, personal effects, materials and equipment staging and storage areas, media equipment areas, information centers, bus stops and bus staging areas, sanitation facilities and trash collection areas.

**Sec. 6-6-30. Applicability; permit required.**

(a) An application for a major special event permit shall identify all properties proposed to be use for the major special event and all properties necessary to provide support services to the site of the major special event. Such properties may include public property. No property shall be identified as a site for the major special event unless the applicant has first obtained express written authorization from the owner(s) thereof, including the owner(s) of any property contemplated to be used for support services, including the Town. Unless otherwise approved by the Town Council in its absolute discretion, no major special event or associated support services shall be conducted on property held by the Town.

(b) A permit issued in accordance with this Article shall be required prior to the conduct of any major special event.

(c) Major special event permits shall be issued by resolution of the Town Council. The resolution shall incorporate the approved application, conditions of approval imposed by the Town Council and a written major special event agreement between the applicant and the Town to ensure compliance by the applicant with this Article, the major special events permit and the Code.

(d) Issuance of a major special event permit in accordance with this Article shall constitute authorization to conduct the major special event and the support services only as specifically described in the resolution issuing the permit. Where a use or activity expressly authorized in the resolution conflicts with any regulation imposed by the applicable zoning district(s) for the subject properties or with any other standard imposed by the Code, the resolution shall be deemed approval of a temporary exception to such regulation or standard only for the duration of the major special event and only to the extent set forth in the resolution.

**Sec. 6-6-40. Presubmittal meeting.**

(a) Not less than 90 days prior to the date of the proposed major event, the applicant shall contact the Town Manager and schedule a presubmittal meeting. The presubmittal meeting shall provide the applicant with an opportunity to informally discuss the proposed major special event with the Town Manager and receive suggestions and comments concerning potential issues and concerns raised by the proposed major special event. Suggestions and comments by the Town Manager shall be advisory in nature and shall not be deemed binding decisions by the Town regarding the applicant's preparation of a preliminary or formal application for a major event permit.

(b) The time limits provided by this section may be waived by the Town Manager upon good cause shown.

**Sec. 6-6-50. Preliminary application review.**

(a) Following the presubmittal meeting and not less than 60 days prior to the date of the proposed major special event, an applicant for a major special event permit shall submit a preliminary application to the Town for administrative review by the Town Manager. The preliminary application shall include a letter of intent fully describing the proposed major special event, identifying all properties proposed for use for the major special event and any support services, a general or conceptual site plan including the major special event site and all sites contemplated for major special event activities and support services and a preliminary traffic and parking management plan. The applicant shall provide a sufficient number of eleven-inch-by-seventeen-inch reductions of the site plan and other oversized documents to permit the Town Manager's review of the same.

(b) The Town Manager shall administratively review the preliminary application to determine if such application and proposed use are generally consistent with the requirements and standards set forth in the Code. No notice or public hearing is required for the administrative review of the preliminary application. The Town Manager may recommend or suggest changes to the application and submittals. Recommendations and suggestions by the Town Manager shall be advisory in nature and shall not be deemed binding decisions by the Town regarding the applicant's preparation of a formal application for a major special event permit.

(c) The time limits provided by this Section may be waived by the Town Manager upon good cause shown.

**Sec. 6-6-60. Final application requirements.**

(a) Following review by the Town Manager of the preliminary application and not less than 45 days prior to the date of the proposed major special event, the applicant shall submit a complete final application for a major special event permit, which shall include or contain the following information:

(1) A letter requesting approval of a major special event permit and describing fully the proposed major special event, including but not limited to dates and hours of event operation (including dates of setup, breakdown and post-event activities), estimated number of participants and attendees for all event dates, the specific use and event activities and the location of all properties upon which the major special event will be conducted and upon which all supporting services will be provided.

(2) Payment of an application fee of \$1,000.00 per 1,000 participants, attendees and observers. For each participant, attendee or observer over 1,000, 2,000, etc., the application fee shall be an additional \$1,000.00 per thousand.

(3) Letters of authorization from the owner of the properties upon which the major special event will be conducted and any support services will be provided.

(4) A site plan of the properties upon which the major special event will be conducted and support services provided. All site plans shall be an original drawing in black ink on twenty-four-inch-by-thirty-six-inch media and contain the following information:

- a. Major event name, date of the drawing, scale and north arrow;
- b. All proposed ingress and egress points and driveway locations and dimensions;
- c. Temporary buildings, structures and shelters;
- d. Traffic patterns, directions and widths on all interior roads and on adjacent streets, and proposed routes of unimpeded access and circulation for emergency vehicles;
- e. Pedestrian circulation patterns, existing and proposed sidewalks and paths, seating and grandstand areas and areas of proposed attendee assembly;
- f. Parking locations, including number and dimensions of parking spaces, handicapped parking and types of parking surfaces;

- g. Sources of public and private utility services, including any additional temporary services;
- h. Electrical;
- i. Temporary fencing and barricades;
- j. Temporary signage;
- k. Essential services, i.e., law enforcement, fire, emergency medical services (EMS);
- l. Staging;
- m. Lighting;
- n. Refuse and re-cycling; and
- o. Additional information and site plan data deemed relevant to the applicant or requested by the Town Manager as necessary to show the scope and impact of the major special event and the use of all properties and to review the application.

(5) The following studies and reports shall be prepared and submitted to the Town Manager with the application:

- a. Traffic study and management plan, including a Town-wide evaluation of projected vehicle travel patterns and volumes generated by the major special event, proposed routes of traffic, street closures, proposed new traffic signage, proposed modifications of existing traffic signage and proposed number and locations of personnel to assist in traffic management.
- b. Lighting and lighting mitigation plan
- c. Electrical plan;
- d. Noise and noise mitigation plan; and
- e. Additional studies and reports deemed relevant to the applicant or requested by the Town Manager as necessary to show the scope and impact of the major special event and the use of all properties and to review the application.

**Sec. 6-6-70. Major special event agreement required.**

The applicant shall enter into a written major special event agreement with the Town memorializing the applicant's obligations and duties in, and the conditions imposed upon, the conduct of the major special event. The major special event

agreement shall include terms and conditions deemed appropriate by the Town to guarantee and ensure that the applicant's conduct of the major special event is in accordance with the approved major special event permit. The agreement shall include requirements for the applicant to provide a cash deposit or other form of financial security or guarantees in amounts and forms sufficient to protect the Town from incurring costs or expenses in connection with the application and the applicant's nonperformance or default in the conduct of the major special event. The major special event agreement shall require the applicant to indemnify, hold harmless and defend the Town, the Town Council, all agents and employees from any and all liability, actions, claims, damages, costs or expenses, including attorneys' fees, that may be asserted by any person or entity, including the applicant, its agents, employees, vendors and affiliates, arising out of or in connection with any willful act or negligence of the applicant, its agents, employees, vendors and affiliates. The major special event agreement shall also contain requirements that the applicant shall maintain adequate insurance coverage with limits acceptable to the Town and naming the Town as an additional insured on the policies for coverage. The form of major special event agreement shall be approved by the Town Attorney.

**Sec. 6-6-80. Review expenses.**

Every applicant for a major special event permit shall pay for all planning and engineering review services, legal and consulting fees and other costs and expenses incurred by the Town and made necessary as a result of the application. An initial deposit into a non-interest-bearing escrow account held by the Town shall be made at the time the application is filed with the Town. The Town shall have the right and authority to make disbursements from the escrow account at its sole discretion for planning and engineering review services, legal and consulting fees and other costs and expenses incurred with regard to the application. Any balances remaining in the escrow account following the completion of the major special event and the complete performance of the applicant under the major special event agreement shall be returned thereafter. The applicant's obligations hereunder shall exist regardless of the Town's approval, denial or withdrawal of the application. All funds returned to the applicant shall be returned without interest thereon. In the event the deposited funds are exhausted before final disposition of the major special event, the applicant shall make a supplemental deposit to the escrow account in an amount to cover future costs and expenses, as determined by the Town Manager, based on past expenditures. Failure to make necessary supplemental deposits shall cause the application process to cease until the required deposits are made. The Town Manager, with cause, may reduce the amount of the initial escrow deposit; however, the applicant shall remain responsible for the cost of the planning and engineering review services and other consultant fees, including, without limitation, legal fees and other costs and expenses incurred by the Town. The foregoing obligations of the applicant shall be included in a major special event costs and expense reimbursement agreement that applicant shall execute with the Town at the time the application is filed with the Town.

**Sec. 6-6-90. Application review process.**

Upon receipt of a complete application, the payment of all fees and the required deposit, the application shall be processed in accordance with this Section.

(a) Upon determination by the Town Manager that the application for the major special event is complete, the Town Manager shall determine whether the application meets the requirements of this Article based on the application and supporting materials. The Town Manager may recommend to the Town Council the approval, approval with conditions or denial of the application. The Town Manager may at any time request additional information from the applicant in order to enable a full and complete consideration of the application.

(b) (1) Following the Town Manager's determination of completeness and review of the application, the Town Manager shall set a public hearing by the Town Council on the application at the next regular Town Council meeting. Notice shall be given of the public hearing pursuant to the requirements for other special events permitted by the Town.

(2) The Town Council shall determine whether the application meets the requirements of this Article based on the application, the Town Manager's recommendation and the evidence and testimony presented at the public hearing. The Town Council may approve, approve with conditions or deny the application. Such action shall be taken in the form of a resolution of the Town Council, which shall incorporate the application, the major special event permit and the major special event agreement. The Town Council may continue consideration of the application to a date certain in order to obtain additional information or to enable a full and complete consideration of the application.

(3) The Town Council may impose conditions upon the issuance of the major special event permit deemed essential to ensure conformance with applicable requirements of this Article and the Code, or otherwise necessary to protect the health, safety and general welfare of the public.

**Sec. 6-6-100. Standards for approval of major event permit.**

A major special event permit shall only be issued upon a finding that:

(1) The proposed event is a major special event within the meaning of this Article;

(2) The major special event will provide one or more significant and important public benefits to the Town;

(3) The major special event is appropriately sized in relationship to the site and, together with any support services, can be conducted in an organized, controlled and efficient manner;

(4) The major special event will not result in unreasonable traffic congestion or create a hazard to vehicular or pedestrian traffic;

(5) The major special event will provide sufficient parking in terms of parking spaces and areas to accommodate parking demand;

(6) The major special event will be conducted in a manner that eliminates, mitigates or reasonably controls adverse impacts upon adjacent properties and upon the public generally; and

(7) The major event will not unreasonably impair the public health, safety and welfare.

**Sec. 6-6-110. Penalty for unauthorized major event.**

Any person, corporation, association or other entity that conducts a major special event without an approved permit under this Article, or in violation of the condition of a permit shall be assessed a mandatory minimum fine of \$10,000.00 per day for each day such violation is conducted. Each day of a continuing violation shall be deemed a separate offense.

**Sec. 6-6-120. Sunset.**

These regulations shall remain in full force and effect through December 31, 2014, following which, such regulations be void *ab initio*. Notwithstanding the foregoing, the terms and requirements of these regulations and any major special event permit approved pursuant hereto shall remain in full force and effect with respect to such major special event permit until the conclusion of the subject major special event and the applicant's full compliance with all the terms and requirements thereof."

**Section 2. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 3. Savings Clause.** Except as hereby amended, the Crested Butte Municipal Code, as previously amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town Council that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 7<sup>th</sup> DAY  
OF July, 2014.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC  
HEARING THIS 21<sup>st</sup> DAY OF July, 2014.

TOWN OF CRESTED BUTTE, COLORADO

By:   
Aaron J. Huckstep, Mayor

ATTEST:  
  
Lynelle Stanford, Town Clerk

(SEAL)

