5-7-5.A(89)

OFFICE OF THE CITY CLERK
Rec'd: 6-28-89
By: Amy Easton

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LEGISLATIVE AND PROCEDURAL RULES FOR GRANTING PERMISSION TO CONSUME ALCOHOLIC BEVERAGES ON CITY PARK AND RECREATION LAND

1. Authority: These rules are promulgated pursuant to Section 5-7-5 and Section 8-3-3, B.R.C. 1981. They supercede the previous rules on this subject which were adopted August 15, 1986.

2. These rules supplement the provisions of 5-7-5(b), B.R.C. 1981, when a request is made to the city manager or the manager's delegate for permission to consume any malt, vinous, or spirituous liquor or fermented malt beverage (collectively, "alcohol") on city-owned park and recreation lands.

3. Permits will be issued only for the following locations:

Boulder Reservoir
Central Park
*Chautauqua Park
East Boulder Community Park (developed areas only)
East Mapleton Ballfields
*Eben G. Fine Park (with shelter rental only)
Flatirons Golf Course
Harlow Platts Community Park
*Martin Park Shelter (inside building only)
Mountain Park Shelters (multiple locations - - fermented malt and vinous beverages only)
Library Mall Park
North Boulder Community Park (developed areas only)
North Boulder Park (with shelter rental only)
Roper Athletic Fields
*Salberg Shelter (inside building only)
Scott Carpenter Park (except pool)
Stazio Athletic Complex
(* means sale not permitted)

4. If a State of Colorado Special Events Permit is obtained by the applicant, alcohol may be sold by a holder of a permit issued under these regulations except at Chautauqua Park, Eben G. Fine Park, Martin Park Shelter, and Salberg Shelter. At those locations sale of alcohol is not permitted.

5. Permits are not required for Boulder Reservoir, Stazio Athletic Complex, East Mapleton Ballfields, Flatirons Golf Course, and the Mountain Parks except as follows:

a. Permits are required if the party is selling the liquor or beverage pursuant to a Special Events Permit (Section 12-48-101, et seq., C.R.S.) or under circumstances where such a permit would be required;

b. Permits are required if the party is dispensing the liquor or beverage to the general public ("Dispense" means to serve gratuitously to passersby); and

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c. Permits are required if the shelters in the Mountain Parks are being used or if there are more than fifteen participants in a gathering where alcohol is being consumed. Permits for the Mountain Parks shall be for fermented malt and vinous beverages only.

6. Applications shall be submitted on the form attached as Appendix A to the Director, Parks and Recreation Department, City of Boulder, no more than 90 nor less than 15 days before the day for which the permit is to be issued. If sale of the alcoholic beverages or fermented malt beverages is to occur, then a State of Colorado Special Events Permit must be obtained from the City Clerk (Municipal Building, 441-3042) before the city permit will be released to the applicant, and the application (Appendix A) must also be submitted to the Director of Parks and Recreation no less than 30 days in advance.

7. All participants at the proposed event must be at least 21 years of age or accompanied by a parent or guardian unless a Colorado Special Events Permit is issued for the event.

*c. All permit holders (the person accepting responsibility for the event) must be residents of the city of Boulder.

8. Permits will be issued only for the hours between 9:00 a.m. and 10:00 p.m., except that for Stazio Athletic Complex, East Mapleton Ballfields, and Mountain Parks, permits may be issued until 11:00 p.m.

9. No permit will be issued if the proposed use is inconsistent with the primary recreational use of the area, or if there will be a conflict with any other legitimate use of the area by virtue of the use of alcoholic beverages, or if there will be a conflict with any other reservation or with any scheduled programs of the Parks and Recreation Department, or if past experience with the applicant, the type of function, or the location causes the Manager reasonably to conclude that the public interest will be harmed by the issuance of this permit.

10. These permits will be issued on a first-come, first-served basis. No more than one permit shall be issued for any location at any one time.

11. The applicant is required to post a damage/clean-up deposit in the following amounts:

a. Events with less than 100 participants, except ballfields, mountain park shelters, or Boulder Reservoir: $50.

b. All events with 100 or more participants, or at ballfields, mountain park shelters, or Boulder Reservoir: $200.

See 8-3-8 "Fees"

12. If the proposed location is one for which a rental fee is charged pursuant to Chapter 8-3, B.R.C. 1981, such rental fee must be paid before this permit will issue. If the Manager reasonably determines that the size, location, and nature of the event is likely to require public safety, maintenance, park, transportation, or other public resources in excess of those which would be required if the permit were not issued, then the manager may require the applicant to pay a fee for such permit in addition to just rental fee and damage deposit. The Manager shall calculate the fee based on a reasonable estimate of the marginal cost to the city of such extra resources. Personnel costs shall be calculated at the applicable overtime rate.

13. The manager may impose such conditions upon the issuance of any particular permit as are reasonably designed to reduce the risk of conflict with other legitimate uses of the area, protect the public health, safety, property, or welfare, or reduce the risk of violations of any law, ordinance, or regulation.

14. The number of people attending an event is limited to: 250 participants at Boulder Reservoir, Mountain Parks, Flatirons Golf Course, North Boulder Park, or Community Parks: 100 participants for City parks and shelters; and 50 participants in other parks and areas governed by these regulations. The manager may waive these limits if a State of Colorado Special Events Permit is issued in conjunction with the event, or if security provision acceptable to the city ;manager is provided by the applicant.

15. No permit will be issued if, in the manager's opinion, there is a reasonable likelihood that participants in the event will violate any law, ordinance, or regulation of the city.

16. The manager may revoke the permit and evict participants from the event premises for unruly, drunken, or other behavior which creates a public disturbance, or for violation of these rules or any condition of a permit.

17. No person shall consume or dispense any malt, vinous, or spirituous liquor or fermented malt beverage in violation of these rules or of any condition of a permit issued pursuant to them.

Proposed rules approved as to form and legality by the City Attorney's office on 6/26/89 by Walt Fricke, Assistant, City Attorney.

Proposed rules approved prior to publication by the City Manager on 6-27-89 by [signature], Director of Parks and Recreation as the City Manager's delegate.

Three copies of proposed rules filed with the City Clerk on 6-28-89.

Date of publication of notice in the Daily Camera 7-2-89

Approved by the City Manager without change after considering public comment on _____ by _____, Director of Parks and Recreation as the City Manager's delegate.

Adopted rules filed with the City Clerk and effective on _____

PR PA BZF