

ORDINANCE NO. 7502

AN EMERGENCY ORDINANCE AMENDING SECTION 8-8-8, "PERMITS FOR SPECIAL USES ON OPEN SPACE AND MOUNTAIN PARKS LANDS," B.R.C 1981 OF THE BOULDER REVISED CODE AS IT PERTAINS TO SPECIAL USE PERMITS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. Section 8-8-8, "Permits for Special Uses on Open Space and Mountain Parks Lands," B.R.C 1981 is amended to read:

8-8-8 Permits for Special Uses on Open Space and Mountain Parks Lands

- (a) No person shall organize, promote, or stage a non-commercial ~~recreational, athletic, or social~~ event intended for or which can reasonably be expected to draw an attendance of twenty-five or more participants and spectators on any Open Space and Mountain Parks property without first obtaining a permit from the city manager under this section. ~~provided however, that groups of between twenty five and forty nine participants from bona fide educational institutions need only notify the city manager.~~
- (b) No person who has obtained a permit from the city manager under this section shall organize, promote, or stage a ~~recreational, athletic, or social~~ non-commercial event intended for or which can reasonably be expected to draw an attendance of twenty-five or more participants and spectators on any Open Space and Mountain Parks property without having the permit in their possession at all times during such event.
- (c) An applicant for a permit shall file an application at least fourteen (14) days before the requested day of the event. The application shall be signed by at least one adult and shall contain:
 - (1) The name and address of the individual or organization sponsoring the event;
 - (2) The name, address, and telephone number of the individual in charge of the event;
 - (3) The site for which the permit is requested;
 - (4) The type of event and a complete description of the planned activities;
 - (5) The day and hours for which the permit is sought; and

- (6) An estimate of the anticipated attendance.
- (d) Upon receiving an application, the city manager shall:
- (1) Verify the accuracy of the information;
 - (2) Determine whether there is a conflict with prior applications or scheduled city activities, which have priority. If there is a conflict, the manager will notify the applicant to permit amendment of the application to avoid the conflict;
 - (3) Review the requested site of the event to determine whether or not the available seating, parking, and sanitation facilities are adequate for the proposed use; whether or not the event would conflict with any law, ordinance, code, rule or regulation, resource management, or environmental policy; and whether or not the event would unduly interfere with the general public use of the site; and
 - (4) Review the proposed time of the event and the estimated attendance and consider other relevant circumstances to determine whether a security deposit or insurance is necessary to protect against possible damage to city property and defray costs of restoration of the premises to a neat and orderly condition. The manager may require a deposit or insurance of no less than \$100.00 and, if the manager determines that \$100.00 is insufficient, a larger deposit or insurance may be required. The manager may also return all or a portion of the security deposit upon the determination that it is not necessary to protect the interests of the city.
- (e) If the applicant fulfills the requirements prescribed by this section, the city manager may issue a permit if the event is appropriate for the site, the infrastructure of the site will support the event without environmental or resource damage, and the public benefit from the proposed event exceeds its detriments. Each permit is subject to the following conditions:
- (1) The applicant takes all reasonable steps to protect city facilities and property, including flora and fauna, against damage;
 - (2) The applicant cleans and restores the premises to a neat and orderly condition;
 - (3) The applicant charges no admission for the event unless it is a city sponsored event;
 - (4) The applicant is responsible for assuring that the noise emanating from the event complies at all times with the standards prescribed by Chapter 5-9, "Noise," B.R.C. 1981;
 - (5) The applicant is responsible to assure that all participants and spectators comply with all applicable state and city laws; and
 - (6) The applicant advises all participants and spectators to comply with all applicable state and city laws.
- (f) The city manager may revoke a permit issued under this section at any time before or during the event for any reason, for no reason, or for breach of any of the conditions

prescribed by subsection (d) of this section. Any permit issued pursuant to this section shall be deemed a revocable license that does not convey a property interest of any kind. If a permit is revoked before the event, any security deposit shall be promptly refunded to the permittee. If the manager revokes the permit, the event must cease immediately. No person shall continue an event after a permit has been revoked.

(g) After the event and during working hours, each permittee under this section shall contact the city manager to inspect the area used in the event. If no damage has been done and the area has been properly cleaned, the manager shall return the security deposit. If the permittee has failed to meet the obligations prescribed by this section, the manager shall retain a sum from the deposit sufficient to cover the damage or restore the premises to a neat condition. If the security deposit does not completely indemnify the city for damage or cleaning costs necessary to restore the area, the permittee shall not fail to pay immediately to the city a sum to cover these extra costs.

(h) Groups of between twenty-five and forty-nine participants from bona fide educational institutions may request and, in the discretion of the city manager or his or her designee, receive an exemption from the permit requirements of this section, provided that they meet the following requirements:

- (i) The requesting group has provided at least fourteen (14) days notice of the event to the city manager or his or her designee; and
- (ii) The requesting group has agreed to abide by low impact use principles as may from time to time be established by rule issued under Section 8-3-3, "City Manager May Issue Rules," B.R.C. 1981 ; and
- (iii) The requesting group has agreed to any location change recommendations which may be made by the city manager or his or her designee in order to avoid resource impacts or use conflicts.

Section 2. The City Council finds that an emergency exists, so as to necessitate the immediate effectiveness of this ordinance because the Open Space and Mountain Parks Department will be required to begin processing commercial permits by January 1, 2007.

Section 3. This ordinance is necessary to protect the public health, safety and welfare of the residents of the city, and covers matters of local concern.

Section 4. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 5th day of December, 2006.



Mayor

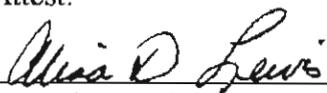
Attest:


City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, PASSED, ADOPTED AS AN EMERGENCY
MEASURE BY TWO-THIRDS COUNCILMEMBERS PRESENT, AND ORDERED
PUBLISHED BY TITLE ONLY this 19th day of December, 2006.



Mayor

Attest:


City Clerk on behalf of the
Director of Finance and Record