

ORDINANCE NO. 7503

AN EMERGENCY ORDINANCE AMENDING SECTION 8-8-9, "PERMITS FOR COMMERCIAL USES ON OPEN SPACE AND MOUNTAIN PARKS LANDS," OF THE BOULDER REVISED CODE WITH RESPECT TO COMMERCIAL USE PERMITS.

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

Section 1. Chapter 8-8-9, "Permits for Commercial Uses on Open Space and

Mountain Parks Lands," B.R.C. 1981, is amended as follows:

8-8-9 Permits for Commercial Uses on Open Space and Mountain Parks Lands.

- (a) No person shall organize, promote, or stage a commercial use event on any open space and mountain parks property without first obtaining a permit from the city manager under this section.
- (b) No person who has obtained a permit from the city manager under this section shall organize, promote, or stage a commercial use event on any open space and mountain parks property without having the permit in their possession at all times during such event.
- (c) No person who has obtained a permit from the city manager under this section shall assert or attempt to assert an exclusive right to use a particular place, site or area, nor shall any such person remove or exclude, or attempt to remove or exclude, any other person from a particular place, site or area.
- (d) For the purposes of this section, "commercial-~~event~~ use" shall mean either:
 - (1) Any activity for which a fee, charge, purchase of goods or services, or donation is required for the provision of a service or as a condition of attendance or participation, including but not limited to dog walking, outdoor guide services, environmental education, and clubs, camps or other organizations that merely use school facilities; or
 - (2) Photography, videography, or filmmaking for compensation or hire that involves human or animal subjects;

provided however that a bona fide educational group engaged in a curricular school activity, including non-competitive athletic activities and before- or after-school activities, shall not be considered engaged in a commercial use.

- (e) The city manager may issue single event commercial use permits or annual commercial use permits for groups of not more than sixteen (16) persons without conducting a special review of the application. The city manager may also issue triennial commercial use permits to such annual permittees who have three consecutive years of successful compliance with all requirements of the annual permit.
- (f) The city manager may issue single event commercial use permits or annual commercial use permits for groups of more than sixteen (16) persons upon conducting a special review of the application. "Special review" shall mean a thorough examination of the proposed use, and imposition of conditions of approval, to assure mitigation of large group impacts. The city manager shall prescribe the requirements for special review through rule issued under Section 8-3-3 "City Manager May Issue Rules," B.R.C. 1981. The city manager may also issue triennial commercial use permits to such annual permittees who have three consecutive years of successful compliance with all requirements of the annual permit.
- (g) The city manager may issue limited use permits for groups of not more than sixteen (16). "Limited use permit" shall mean an annual permit for which the commercial use events are ~~is~~ restricted to not more than fifty visitor days (number of persons x number of days, including the leader) of designated trail use with groups of sixteen (16) or fewer.
- (h) An applicant for a permit shall file an application at least fourteen (14) days before the requested event or annual permit application period. If an application is denied, the applicant may request a statement of the reasons for the denial. The city manager shall require applicants to provide insurance naming the city as an additional insured in such amounts as may be required to cover the maximum possible municipal liability exposure under state law. The city manager may prescribe such additional requirements and restrictions as may be necessary to minimize and mitigate use impacts, and as may be necessary or desirable for the implementation and enforcement of this section.
- (i) The city manager shall prescribe by rule issued under section 8-3-3, "City Manager May Issue Rules," B.R.C. 1981, such additional requirements as may be deemed necessary for the implementation and enforcement of this section.
- (j) The city manager may revoke a permit issued under this section at any time before or during the permit period for any reason, for no reason, or for breach of any of the conditions prescribed by subsection (h) 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

- (k) No person shall fail to comply with each term and condition of a permit issued under this section.

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.

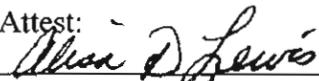
Section 3. This ordinance is necessary to protect the public health, safety and welfare of the residents of the city, and covers matters of local concern.

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

