

COPY

166804

Page 1 of 9

LaRita Randolph, County Clerk & Recorder

Dolores County, CO

RP \$0.00

03-20-2017 03:53 PM Recording Fee \$0.00



DOLORES COUNTY ORDINANCE NO. 17-1

**AN ORDINANCE REQUIRING A PERMIT FOR SPECIAL EVENTS
CONDUCTED WITHIN UNINCORPORATED DOLORES COUNTY**

WHEREAS, Colo. Rev. Stat. § 29-20-104 authorizes the County to plan for and regulate the use of land by, among other things, regulating development and activities in hazardous areas; protecting lands from activities which would cause immediate or foreseeable material danger to significant wildlife habitat and would endanger a wildlife species; preserving areas of historical and archaeological importance; regulating the location of activities and developments which may result in significant changes in population density; providing for phased development of services and facilities; regulating the use of land on the basis of the impact thereof on the community or surrounding areas; and otherwise planning for and regulating the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights; and

WHEREAS, Colo. Rev. Stat. § 30-15-401 authorizes the County to adopt ordinances for control or licensing for the prevention and suppression of riots, routs, affrays, disturbances, and disorderly assemblies in any public or private place and to regulate noise on public and private property; and

WHEREAS, the County recognizes a need to enact an ordinance intended to provide for the orderly control of certain special events by establishing appropriate permit requirements and regulations in an effort to provide for the temporary use of land for special events and to ensure that no special event occurs which would have a significant negative effect on adjacent and nearby property owners, wildlife, residents and businesses or which would be unsafe given prevailing site conditions, traffic and circulation patterns, land use characteristics and the nature of the proposed use.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Dolores County as follows:

A. Permit required

No person shall permit, maintain, participate, promote, conduct, advertise, act as entrepreneur, organize or manage a special event, as defined herein, on public or private lands within unincorporated areas of Dolores County, unless a permit to hold such special event has first been issued by Dolores County. A permit issued by Dolores County to hold such special event shall allow the applicant, agents, employees, and participants, to engage in lawful activity as specified and authorized by the permit and connected with the permitted special event. "Special Event" is hereby defined as a temporary event involving the gathering of a group of persons significant in number as to have a potentially significant negative impact upon neighboring property owners, businesses, wildlife, County roads, or which could pose a significant potential danger to participants, or the general health, safety and welfare of citizens of Dolores County.

B. Special Events Specifically Requiring a Permit

The following activities shall require a Special Event Permit. This is not intended as a comprehensive list:

1. Carnivals, circuses, festivals, outdoor concerts or musical events when such concert or musical event is intended to be a significant focal point of the Special Event as opposed to being ancillary, revivals, and other similar activities;
2. Any non-governmental Special Event significantly affecting or conducted within a public right-of-way; and
3. Any Special Event that does not satisfy any or all of the criteria listed in paragraph "C" below.

C. Special Events Exempted

The following Special Events are exempt from the requirements of this Ordinance:

1. Funeral processions;
2. Non-Commercial residential gatherings customarily incidental to a residentially utilized property, and conducted on residential or agricultural property, including activities such as barbeques, family reunions, family holiday gatherings, and family organized weddings;
3. Emergency events including but not limited to responses to natural disasters, or other responses to health and safety emergencies that cannot meet the application deadlines specified in this Ordinance or which occur without advance knowledge;
4. Farmers markets or stands for sale of seasonal products, when sold other than on the site where the product is grown;
5. Periodic sales or auctions of real estate or personal property;
6. Government or special district sponsored events, parades or other such activities conducted in the furtherance of government or district functions; and
7. Temporary events directly connected with the property's permitted use(s). i.e. weddings at a commercial event center, auctions at an auction house, employee holiday parties at places of employment, gatherings at any permanently established place of worship, stadium, athletic field, arena, auditorium or fairgrounds, all provided that such place is being used for its established, regular and normal use allowed, in both type of activity and scope, attendance does not exceed the maximum capacity of the structure or place where the gathering is held, and the gathering complies with all other State, County and Federal rules, regulations and laws.

D. Application

At least ninety (90) calendar days and no more than one year prior to the requested start date of the proposed Special Event requiring a permit, a Special Event Permit Application shall be submitted to Dolores County, through the Planning Department, and shall include the following information:

1. An affirmation that the statements contained therein are true and correct to the best of the knowledge of the applicant and shall be signed and sworn to or affirmed, by the individual making application in the case of an individual, by all partners in the case of a partnership, by all officers and managers of a corporation or other legal entity, or by all members of an unincorporated association, society or group;

2. The name, age, residence and mailing address of all persons required to sign the application and, in the case of a corporation or other legal entity, a certified copy of the articles of incorporation or other formation document;
3. The address and legal description of all real property upon which the Special Event is to be held, together with the name, residence and mailing address of the record owners of such property;
4. The names and mailing addresses of all property owners and businesses within a ½ mile distance from the boundaries of all the real property upon which the Special Event is to be held;
5. A written description indicating: the type of event, the event sponsor(s), the location of the event or event route, a list of all roads affected, the duration of the event, the hours of operation, the expected water requirements (including the source and supply of water), the number of employees, staff and volunteers, the number and location of toilets, the anticipated attendance along with the maximum number of attendees that shall be allowed (including employees, contractors, service providers, staff, volunteers, participants and performers), any age restrictions for attendance, food or alcoholic beverages to be served, temporary structures or fences proposed, the anticipated parking needs, complete with data indicating how the demand was calculated and how the need is to be addressed, the surface material of the parking area, a method/plan for handling traffic, a statement of expected impacts to the subject land and surrounding properties and how adverse impacts on surrounding properties will be minimized;
6. A site plan (drawn to scale, showing all of the following in relation to existing and proposed buildings, parking areas, streets/roads and property lines on the proposed site and on abutting properties) including: the location of the event or the event route, the location of proposed structures (including restrooms, storage bins, trash receptacles, temporary buildings, etc.), the location of traffic controls proposed (including road barriers, detour signs, traffic control lights, traffic personnel, etc. all of which shall be paid for and provided by the applicant), access to/from the site, parking areas (showing access, number of parking spaces, parking barriers, surfacing, etc.), activity areas (e.g. parking area, alcoholic beverage area, children's play area, games area, seating, etc.);
7. Written confirmation from the property owner(s) agreeing to the use of their property or right-of-way for the special event or a copy of the lease agreement(s);
8. A nonrefundable processing fee in an amount of \$250.00, or in an amount as established by the County, designed to reimburse the County for costs of processing the Application. The County shall have discretion to reduce or waive such fee based upon purposes of the Special Event, complexity of the application, and potential benefits to the community of the event being held;
8. A written agreement that the applicant shall indemnify and hold harmless the County or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting the permit, and from any cost incurred in providing substitute services and site restoration;
9. If attendance at the Special Event may exceed two hundred (200), the following information shall be provided. The County reserves the right to require the additional information for Special Events at which attendance will be less than two hundred (200) when deemed appropriate for evaluation of the Application:
 - a. The maximum number of tickets to be sold, if any;

- b. The plans of the applicant to limit the maximum number of people permitted to attend the special event;
- c. The specific plans, including service contracts, for supplying potable water and waste removal;
- d. The specific plans, including service contracts, for holding, collecting and disposing of solid waste material;
- e. The specific plans, including service contracts, to provide for medical facilities, including the location and construction of a structure, the names, addresses and hours of availability of medical technologists and nurses and provisions for emergency ambulance service;
- f. The specific plans, if any, to illuminate the location of the special event, including the source and amount of power and the location of lamps;
- g. The specific plans for communication, including the source, amount and location of communication equipment;
- h. The specific plans for camping facilities, if any, including site locations, densities, and campfire pits;
- i. The specific plans for plans for fire protection, including service agreements;
- j. The specific plans for security, including the number of guards, their deployment and their names, addresses, credentials and hours of availability, along with service contracts;
- k. The specific plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers;
- l. The specific plans for meeting State and County health standards for food and liquor concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers;
- m. The specific plans, if any, for electrical systems;
- n. The specific plans to insure that trees, underbrush, large rocks and other natural features shall be left intact and undisturbed; that natural vegetative cover shall be retained, protected and maintained so as to facilitate drainage, prevent erosion and preserve the scenic attributes; and that the location of the site be maintained in a manner so as to abate dust; and
- o. Certification by an insurance company licensed to do business in the State, stating its intent to insure the Special Event as required.

E. Special Event Performance Standards

All Special Events shall comply with the following standards:

1. Cessation of the Event: Within 24 hours of cessation of the event, the site shall be returned to its previous condition (including the removal of all buildings and structures, trash, debris, signage, attention-attracting devices or other evidence of the Special Event).
2. Traffic Circulation: The Special Event shall not cause undue traffic congestion or accident potential as determined by the Sherriff and Road and Bridge Departments.
4. Sewer, Potable Water, Refuse and other Nuisances: Management of sewage, potable water, refuse and other nuisances shall conform to the requirements of the State of Colorado and the County Department of Health.
5. Food Service: Management of food service shall conform to the requirements of the State of Colorado and the County Department of Health.

6. Surrounding Impacts: A Special Event shall not contribute to or cause undue negative impact upon surrounding property owners and residents in the form of excessive noise, light, odor, trash or traffic.
7. Dangers: A Special event shall not expose surrounding neighbors and residents to substantially increased danger of trespass, fire, or harm to person or personal property.
8. Protection of Participants; A Special Event shall not endanger its participants, employees, volunteers or staff, and shall especially not place minors in peril of physical or emotional harm. Adequate emergency medical and ambulance services shall be made available. Adequate security personnel shall be engaged.
9. Unlawful Activity/Prior Compliance: A Special Event shall not promote, either tacitly or actively, allow, encourage, or otherwise attract, any activity which is unlawful or otherwise a violation of this Ordinance, State rules and regulations, or the DCDLUR. An applicant's prior failure to fully comply with terms of a permit issued under this Ordinance, or prior violations of the DCDLUR, or any other County or State rules, regulations or laws related to land use, shall be considered by the BOCC in rendering a decision regarding an application for a Special Event.
10. Wildlife: A Special Event shall not unreasonably interfere with or endanger wildlife.
11. Impacts on Surrounding Historic Activities: A Special Event shall not unreasonably interfere with agricultural operations, including agricultural transportation, hunting activities, or other regular and usual business and recreational activity within the County.
12. Insurance: An applicant shall provide proof of liability insurance naming the County as an additional insured for all potential liability, including fire. The coverage shall extend to all activities and events and provide minimum coverage in the amount of \$1,000,000 per occurrence and \$3,000,000 in the aggregate, or such other amount as may be required by the County in light of the potential risks and hazards of the Special Event.
13. Financial Guarantee: The County may require monetary deposits, bonds, and/or other written agreements to provide for a sufficient financial guarantee that services will be provided, and permit requirements met, including site restoration. Financial guarantees shall be managed as follows:
 - a. Unused portions shall be returned;
 - b. The County reserves the right to pursue costs incurred in excess of the guarantee;
 - c. Upon breach of the terms and conditions of the permit, the County may undertake to cure such breaches, perform such conditions, or otherwise incur expenses to satisfy permit obligations, and may use the proceeds of the guarantee to recoup costs; and
 - d. Any financial guarantee shall be irrevocable for a period of at least sixty (60) days following the event. The financial guarantee shall be released by the County within a reasonable time after the event, following determination of costs, if any, and application thereof.

F. Multiple Special Events

A separate permit shall normally be required for each Special Event. An applicant may seek multiple Special Event Permits in a single application. The County may consider such a request when potential negative impacts are limited. The BOCC shall have the option of requiring an applicant to satisfy the requirements of the Dolores County Development and Land Use Regulation (DCDLUR) for a change in use if the frequency and significance of Special Events is such that the nature of land use is changed beyond that of a temporary use. The ultimate change

in use through the DCDLUR shall not necessarily eliminate the need to obtain Special Event Permits following that change in use.

G. Application Review

1. Pre-Application Conference: The prospective applicant shall first request a pre-application conference with the Dolores County Planning Commission (PC). At that conference, the PC shall review with the prospective applicant the application requirements form, including fees due on submittal, the site plan and supporting document requirements, performance standards, review procedures, notice requirements for nearby landowners, on-site notice requirements and outline the time required to complete the procedure, including possible means for accelerated processing of applications based on minimum or lesser size, complexity or impact on the community and/or private interests. The format and quantity of the application documents to be submitted will also be established during the conference. As part of this procedure, the PC may designate, during or after the conference, the specific performance standards applicable. Further, depending on the nature of the proposed Special Event being applied for and its location, additional requirements for the site plan may be established. Such specific standards or additional requirements shall be identified to the applicant.
2. Application Review: Upon receipt of the application, the PC shall first determine if the application is complete. If incomplete, the applicant shall be notified of any deficiencies and allowed to supplement. Once determined complete, the PC will review the application and make a recommendation to the BOCC regarding the issuance of a permit. The recommendation may be for approval, approval with conditions or limitations, denial, or deferral to the BOCC.
3. BOCC Review: Upon receipt of the recommendation from the PC, the BOCC shall set the matter on the agenda of a special or regular BOCC meeting for purposes of a public hearing. The Applicant shall publish notice of the hearing in a newspaper of general circulation at least fourteen (14) days prior to the date of the hearing, and take any other reasonable steps to notify the public or surrounding property owners of the application and date of the hearing as may be mandated by the BOCC. At a minimum, the applicant shall provide evidence of mailing notice to all property owners and businesses within ½ mile of the boundary of the property upon which the Special Event is to take place, and post notice of the proposed Special Event and hearing on the property in a conspicuous location legible from the nearest road to the location of the proposed Special Event. All such notice shall occur at least fourteen (14) days prior to the date of the hearing. The application may also be referred to any other County or non-County agency, registered association or official whose consideration is deemed desirable for a full and complete assessment. The applicant is responsible for providing the necessary number of copies of the application for this referral as requested by the County. In reviewing the application and determining whether to issue the permit as sought, the following shall be considered by the BOCC:
 1. The adequacy of the site plan and overall level of completeness of the application and responses to information requested;
 2. The adequacy of the size and shape of the site to accommodate the Special Event proposed;

3. The adequacy of the surrounding street/road network to serve the kind and quantity of traffic anticipated by the proposed Special Event, including the adequacy of the proposed traffic controls;
4. The ability of local fire protection or alternative fire protection to service the event;
5. The ability of law enforcement to service the event;
6. Noise, light, dust, odor, runoff or any other impact from the special event to surrounding properties and uses;
7. Potential impacts upon wildlife;
8. The timing of the proposed event in relation to other activities or restrictions in the area, including, but not limited to hunting seasons, traffic dictated by ag schedules, road closures, and other permitted activities; and
9. The overall ability to comply with other requirements of this Ordinance, including performance standards.

The BOCC shall render a decision at the conclusion of the hearing. The hearing may be continued by the BOCC if determined necessary to allow full participation by the public and the applicant, or to request and obtain additional information.

H. Issuance of a Permit

Following the hearing regarding the application, the BOCC may issue a permit, with or without conditions and limitation, or deny the application. If issued, a written permit shall be provided to the applicant containing any conditions or limitations of approval. That permit shall be executed by the BOCC and the applicant, and displayed at all times in a conspicuous location at the Special Event.

I. Revocation

The permit may be revoked by the BOCC at any time if any of the conditions necessary for the issuance of the permit are not complied with, or if any condition previously met ceases to be met. In the event of Revocation, the Special Event shall immediately cease. All participants, including employees, staff, volunteers and performers shall disperse.

J. Penalties

1. Violation of the provisions of this Ordinance shall be punishable by a fine of not more than one thousand (\$1,000.00) for each violation. Each day a violation continues shall be considered a separate offence. All fines and forfeitures for the violation of this Ordinance shall be paid to the Treasurer of Dolores County within thirty (30) days of receipt and shall be deposited into the General Fund of Dolores County. Any person convicted of a violation of this Ordinance shall be subject to the statutory surcharges of ten dollars (\$10.00) for the Victims and Witnesses Assistance and Law Enforcement Fund, and (\$15.00) for the Colorado Traumatic Brain Injury Trust Fund. These surcharges shall be paid to the clerk of the court by each person convicted of violating this Ordinance. The clerk shall transmit the moneys to the respective funds in accordance with C.R.S. § 30-15-402(2). This Ordinance shall be enforced by the Dolores County Sheriff. The BOCC hereby designates the Dolores County Attorney, or his/her designee, as the County's legal representative in the enforcement of the provisions of this Ordinance in a court of applicable jurisdiction. In the event the Dolores County Attorney or his/her designee

cannot represent Dolores County or the Board deems it otherwise appropriate, the Board may appoint the District Attorney of the 22nd Judicial District to perform such legal enforcement duties in lieu of the County Attorney. This Ordinance shall in no way limit application and enforcement of any State, Federal, or local rules, laws, or regulations, but shall be in addition thereto.

2. The remedies contained herein shall be cumulative with any and all remedies available in law or equity. The County may seek other remedies provided for by law or equity in enforcement of this Ordinance, including, but not limited to an injunction or other equitable relief in any court of competent jurisdiction to stop or prevent any violation. The County shall be awarded its reasonable attorney fees and costs in any successful enforcement action.

3. An applicant specifically authorizes entry into the Special Event by County designated personnel, including law enforcement, and upon the grounds which the Special Event will occur and has occurred, for the period during the application process, through sixty (60) days post-event. Entry shall be for the purpose of determining compliance with the Permit and/or determining issues relevant to permitting.

K. Safety Clause

The BOCC hereby finds, determines and declares that the immediate effective date of this Ordinance is necessary for the health, safety and welfare of the citizens of Dolores County, Colorado.

L. Application and Severability

This Ordinance shall apply throughout the unincorporated area of Dolores County. Special Events to occur solely upon State or Federal land, with no significant impact upon County Roads or land shall not be subject to this Ordinance. However, Federal or State agencies shall coordinate with the BOCC regarding any group event applications for activities on State or Federal land. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The BOCC hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared unconstitutional or invalid.

M. Publication and Effective Date

1. The foregoing text is the authentic text of Dolores County Ordinance No. 17-1. The first reading of said Ordinance took place on March 6, 2017 at a regular Board of County Commissioners Meeting. It was published in full in the *Dove Creek Press* on March 9, 2017. The Ordinance was adopted at a regular Board of County Commissioners Meeting on March 20, 2017 and shall take effect immediately upon adoption.

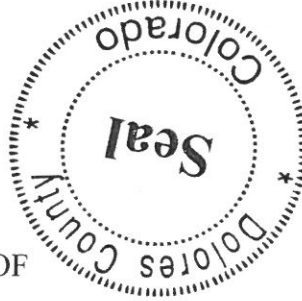
2. This Ordinance shall apply to all Special Events to take place after the effective date. In the event that an application is filed prior to the effective date, under the DCDLUR for an

activity which would constitute a Special Event under this Ordinance, said application shall be converted to an application for a Special Event under this Ordinance.

ADOPTED this 20th day of March, 2017.

ATTEST:

Mary P. Aric
Mary P. Aric
Deputy Clerk to the BOCC
[SEAL]



BOARD OF COUNTY COMMISSIONERS OF
DOLORES COUNTY, COLORADO

By: Julie R. Kibel
Julie R. Kibel, Chair

Steve Garchar
Steve Garchar, Commissioner

Floyd L. Cook
Floyd Cook, Commissioner