

ORDINANCE NO. 083, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 23.5 OF THE CODE OF THE CITY OF FORT COLLINS
REGARDING SPECIAL EVENTS

WHEREAS, on April 21, 1987, the City Council adopted Ordinance No. 018, 1987, establishing standards for issuing City permits for special events on City property; and

WHEREAS, the Special Event Coordinator position was created in 2015 to facilitate and coordinate the issuance of special event permits by various City departments and provide a central point of contact for event producers, citizens, businesses, and City staff seeking information or guidance about special events; and

WHEREAS, the special events provisions in Chapter 23.5 of the City Code were last updated in 2018 by the City Council's adoption of Ordinance No. 018, 2018; and

WHEREAS, since 2021 coordination of special events has become the responsibility of the Emergency Preparedness and Security (EPS) office, and a new Special Events Coordinator was hired; and

WHEREAS, EPS staff has done a thorough review of Chapter 23.5 and recommends that it be amended to do the following:

- Add requirements specifically for commercial film productions;
- Define a "Permitting Authority", instead of a Coordinator, which may be more than one person designated by the Director of Emergency Preparedness and Security to review and coordinate permit applications and notices;
- Allow the Neighborhood Services department to accept applications and issue permits for block parties;
- Require payment of a deposit for City services at the time of filing a special event permit application and condition issuance of a new permit on payment of any past-due amounts from prior permits;
- Better define the potential grounds for denial of an application; and
- Change existing references to "streets or sidewalks" to "public right-of-way;" and

WHEREAS, the City Council finds that festivals, parades, and other special events contribute to the unique character of Fort Collins; and

WHEREAS, special events can impact public safety and the flow of pedestrian and vehicular traffic, and the public event permit application process allows public safety personnel and the staff of other impacted City departments the ability to plan and manage personnel and resources for special events as well as the everyday needs of City residents; and

WHEREAS, the City Council has determined that the proposed amendments are in the best interests of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 23.501 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23.5-1. Purpose.

This Chapter establishes the requirements for special events, commercial film productions, parades, block parties, and demonstrations in the City. Unless expressly stated herein, the requirements of this Chapter do not replace or substitute for other permitting requirements that may apply to activities held on public properties as may be set forth in other chapters of this Code.

Section 3. That Section 23.5-2 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23.5-2. Definitions.

...

Commercial film production shall mean a video and audio recording event conducted by a paid professional crew, with or without actors, sets, or props. Commercial film production shall not include crews of three (3) or fewer persons.

...

Demonstration shall mean a rally, picketing, speechmaking, march, vigil, religious service or any similar gathering that primarily involves the communication or expression of views or grievances, engaged in by more than one person, that occurs on a public right-of-way, or on a City-owned outdoor mall or plaza, or on other property owned or leased by the City, which activity does not comply with traffic laws and controls or which may, in the reasonable judgment of the Permitting Authority or the service area director responsible for administration of the subject property, obstruct, delay or interfere with the normal activities, operations or flow of pedestrian or vehicular traffic on the property or which may create a significant risk of injury to the general public or participants in the activity.

...

Parade shall mean a march or procession not primarily involving the communication or expression of views or grievances, consisting of persons, animals or vehicles, or combination thereof, on any public right-of-way.

...

Permittee shall mean any person or organization who has been issued an event permit by the Permitting Authority.

Permitting Authority shall mean the Director of Emergency Preparedness and Security or such other City staff persons responsible for the review of a permit application or notice filed under this Chapter, coordinating City service area responses to such application or notice, and issuing a special event permit for an event as authorized by the Director of Emergency Preparedness and Security, or their designee for the exercise of this authorizing role. For the purpose of accepting and reviewing applications and notices for block party permits, and issuing, denying or revoking such permits, pursuant to the requirements of this Chapter, *Permitting Authority* may instead mean the Manager of the Neighborhood Services Department or their designee, or another person or department, if the City Manager has so designated.

...

Public right-of-way shall mean the entire width of public streets, highways, sidewalks, alleys and parking spaces.

Special event or *event* shall mean a block party, parade, street fair, festival, outdoor concert, art and craft show, carnival, fun run or walk, bike ride or race or foot race, commercial film production, or other outdoor event which is not a demonstration as defined in this Section, that occurs on a public right-of-way or on a City-owned plaza or park, or on other property, including private property and property owned or leased by the City, which event does not comply with traffic laws and controls or which may, in the reasonable judgment of the Permitting Authority or the service area director responsible for the administration of any City affairs impacted by the event, obstruct, delay or interfere with the normal activities, operations or flow of pedestrian or vehicular traffic on public property or which may create a significant risk of injury to the general public or participants in the event.

...

Section 4. That Section 23.5-3 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23.5-3. Permit required.

(a) Any person desiring to conduct a special event in the City, including on private property where the event impacts a public right-of-way or adjacent public property uses, shall first obtain a permit under this Chapter. Additional permits may be required for other event conditions,

including but not limited to a permit for the sale or possession of alcoholic beverages under §3-83.5 or for a noise variance under § 20-27.

(b) A special event permit shall not be required for the following:

(1) Events that occur exclusively within City natural areas, recreation areas, or on property owned by other governmental entities, or City-owned property managed by other governmental entities pursuant to a lease or other intergovernmental agreement with the City, and do not involve the closure of any public rights-of-way that are normally open to the public. All events within City natural areas, recreation areas, or on property owned by other governmental entities, or City-owned property managed by other governmental entities pursuant to a lease or other intergovernmental agreement with the City, that do involve the closure of such public rights-of-way shall be reviewed by the Permitting Authority and shall be subject to the permit requirements of this Chapter, but only with regard to that portion of the event which occurs upon or affects the public right-of-way. Other activities conducted within the natural areas or recreation areas in conjunction with such events shall be regulated according to the requirements of Chapter 23, Articles IX and X, respectively;

...

(5) Commercial film productions that do not request exclusive use or closure of City-owned or managed buildings, plazas, property or land, and do not involve the obstruction or closure of any public rights-of-way that are normally open to the public.

...

Section 5. That Section 23.5-4 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23.5-4 Demonstration notice required.

(a) Any person desiring to conduct a demonstration in the City, including on private property where the activity impacts a public right-of-way or adjacent public property use, shall file a notification of demonstration with the Permitting Authority in the manner established by the Permitting Authority at least twenty-four (24) hours prior to the demonstration. Failure to provide such notice may result in restriction, relocation, or prohibition of the activity.

(b) The Demonstration organizers must notify the Permitting Authority in advance of a demonstration so the Permitting Authority and public safety officials can advise demonstration organizers of permissible activities pursuant to the City Code, determine whether additional security is needed based upon the number of anticipated participants, and work with demonstration organizers to determine reasonable time, place, manner, location and route restrictions to protect the safety of persons and property.

(c) Any person organizing a demonstration more than twenty-four (24) hours in advance, expected to involve more than fifty (50) persons, or where the activity is expected to substantially impede or interfere with vehicular traffic or pedestrian use of any public right-of-way, is encouraged to contact the Permitting Authority as soon as practicable prior to the activity, to determine whether elements of such activity not related to the communication or expression of views or grievances are subject to a permit or conditions related to public safety.

Section 6. That Chapter 23.5 of the Code of the City of Fort Collins is hereby amended by the addition of a new Section 23.5-4.5 which reads in its entirety as follows:

Sec. 23.5-4.5 Commercial film production notice required.

(a) Any person desiring to conduct a commercial film production on a public right-of-way, a City-owned plaza or park, or other outdoor property owned or leased by the City, that does not require a special event permit, shall file a notification of the commercial film production with the Permitting Authority in the manner established by the Permitting Authority within the time period set in the administrative rules and regulations. Failure to provide such notice may result in restriction, relocation, or prohibition of the activity or penalty provided by this Chapter.

(b) Commercial film production organizers must contact the Permitting Authority in advance to provide notice of a commercial film production so the Permitting Authority can advise the commercial film production of permissible activities pursuant to the City Code and notify other City service areas and governmental entities. Permits may be required for other conditions of the production, including but not limited to a permit for a noise variance under § 20-27.

Section 7. That Section 23.5-5 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23.5-5. Permit application dates; fees; deposits.

(a) Any person desiring to obtain a special event permit must file a complete application, including all required attachments and advance monetary deposits, with the Permitting Authority within the time periods set in the administrative rules and regulations, and special event terms and conditions.

(b) The Permitting Authority shall not issue a permit until the applicant has paid to the City:

(1) All applicable fees in amounts determined by the City Manager in accordance with § 7.5-1 to be sufficient to cover the full cost of processing and investigating such permit application and administering the permit program set forth in this Chapter, including any fees due to other City departments or Poudre Fire Authority for permitting the event; and

(2) A deposit for all City services expected to be required for the event. Full payment for a City service will be due within thirty (30) days of receiving a final invoice. Failure to pay for City services as required may result in future denial of or restrictions on special events permits applied for by the permittee until all past-due amounts are paid.

(c) Costs charged by the City to the applicant for public safety services may include only costs mitigating the general safety risks inherent in the event, not the cost of protecting event participants from the reaction of others.

(d) Fees and deposits are due at the times specified in this Section even if the applicant is seeking an appeal under § 23.5-9.

Section 8. That Section 23.5-6 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23.5-6. Action on application.

The Permitting Authority shall approve, conditionally approve or deny an application on the grounds specified in this Chapter. Such action shall be taken no later than five (5) business days after receiving a final application, fully completed with current information, and applicable fees and deposits. If the application is denied or conditionally approved, the Permitting Authority shall inform the applicant in writing of the grounds for denial or the conditions on the permit and the applicant's right of appeal under § 23.5-9. If the Permitting Authority relied on information about the event other than that contained in the application, they shall inform the applicant of such information. If the Permitting Authority refuses to consider a late application, they shall inform the applicant in writing of the reason for the refusal, and of the applicant's right of appeal.

Section 9. That Section 23.5-7 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23.5-7. Grounds for denial of application.

(a) The Permitting Authority shall approve an application for an event permit unless they determine, from a consideration of the completed application and other pertinent information, that:

...

(2) The applicant has failed to complete the application within the time frame permitted by the Permitting Authority after having been notified of any additional information or documents required; or

(3) Another event permit or application has been received prior in time, or has already been approved, to hold another event on the same date and time requested by the applicant, or so close in time and place as to cumulatively cause undue disruption to the usual activities of the surrounding area, or significantly burden the City's ability to meet the demand for any City services necessary for the public health, safety and welfare; or

(4) The applicant fails to present an approved traffic safety plan, or the time, route or size of the event will substantially interrupt the safe and orderly movement of traffic on or

contiguous to the event site or route or will disrupt the use of a public right-of-way at a time when it is usually subject to traffic congestion; or

...

(6) The size of the event will require diversion of so great a number of City staff or resources to ensure that participants stay within the boundaries or route of the event, or to protect participants in the event, as to significantly impact normal services or protection to the rest of the City; nothing herein authorizes denial of a permit or a required reduction in the size or scope of an event because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for adequate protection of participants with the number of peace officers that can be made available to police the event taking into account all objectively available resources; or

(7) The location of the event will substantially interfere with any construction or maintenance work already scheduled to take place near in time to the event upon or along the City streets, parks, or other City facilities or a previously granted encroachment permit; or

(8) The event shall occur at a time when a school is in session on a route or at a location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class; or

(9) The event involves the use of hazardous, combustible or flammable materials which could create a fire or safety hazard; or

(10) The event will violate an ordinance or statute; or

(11) The applicant has failed to pay costs, fees or deposits for the application or for previous special events permits including all City services provided for the event; or

...

(b) When the grounds for denial of an application for a permit specified in Paragraphs (a)(4) through (a)(9) above can be corrected by altering the date, time, duration, route or location of the event, the Permitting Authority shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modification of the applicant's proposed event as are necessary to achieve compliance with said Paragraphs.

Section 10. That Section 23.5-8 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23.5-8. Permit conditions.

The Permitting Authority may condition the issuance of an event permit by imposing reasonable requirements concerning the time, place and route of the event and such requirements as are necessary to protect the safety of persons and property and the control of traffic. Such conditions may include but are not limited to those described in § 23.5-10 and as set forth in administrative policies and procedures, rules and regulations, and special event terms and conditions adopted by the City Manager.

Section 11. That Section 23.5-9 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23.5-9. Appeal procedure.

The applicant shall have the right to appeal the denial of a permit, the imposition of a permit condition, or a fee under § 23.5-5. A notice of appeal shall be filed with the City Manager's office with a copy to the Permitting Authority, setting forth the grounds for the appeal within three (3) business days after receipt of a notice of denial or permit condition. Such receipt of notice shall be presumed three (3) business days after the date of mailing to the address provided in the application. The City Manager or their designee shall administratively review the decision to deny the permit or impose conditions no later than five (5) business days after receipt of the appeal notice. No hearing on the matter shall be required. The applicant and the Permitting Authority may present written evidence to assist the City Manager or designee's review. The City Manager or their designee shall render their written decision no later than one (1) business day after reviewing the decision. If the City Manager cannot complete such review and decision at least one (1) full business day prior to the time and date of an event, they promptly shall so notify the appealing applicant in writing, and said applicant shall be entitled, but not required, to seek judicial review of the permit denial or permit conditions with no further administrative review. The City Manager's decision shall be final, subject only to such judicial review as may be available under the Colorado Rules of Civil Procedure.

Section 12. That Section 23.5-10 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23.5-10. Permit issuance; rules and regulations; terms and conditions.

- (a) The City Manager or their designee is authorized to promulgate such rules and regulations, and permit terms and conditions, as are necessary to effectuate the implementation, administration, and enforcement of this Chapter.
- (b) The Permitting Authority shall act in accordance with the City Manager's rules and regulations.
- (c) The Permitting Authority shall issue the event permit once the applicant has acknowledged and agreed in writing to comply with all the rules and regulations and special event terms and conditions of the permit, including but not limited to the following:

...

(11) Traffic safety, general safety, and security requirements;

(12) Restoration and custodial requirements;

...

(15) Any and all additional special event terms and conditions reasonably required by the Permitting Authority because of specific circumstances or characteristics of the event; and

(16) Notice that the permit may be revoked due to force majeure or conditions set forth under § 23.5-11.

...

Section 13. That Section 23.5-11 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23.5-11. Revocation of permit.

(a) The Permitting Authority may, at any time prior to an event, revoke or terminate a permit that has been issued for the event if conditions change so that the permit application could have been denied in the first instance.

(b) The Permitting Authority or Fort Collins Police Services may revoke or terminate the permit prior to or during the course of the event due to a local emergency under §2-666, a national special security event under 6 USC § 601(9), or if continuation of the event presents a clear and present danger to the participants or the public.

(c) The Permitting Authority may revoke the permit and terminate the event during the course of the event for noncompliance with special event terms and conditions.

...

Section 14. That Section 23.5-12 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23.5-12. Violations; penalties.

(a) It is unlawful for any person to sponsor or conduct an event requiring a special event permit unless a permit has been issued for the event. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a permit.

(b) It is unlawful for any person to interfere with or disrupt a lawful demonstration or event.

(c) It is unlawful for any person to conduct a demonstration requiring a notification of demonstration, or a commercial film production requiring a notice of commercial film production, without first providing the required notice.

(d) It is unlawful for any person to sponsor or conduct a demonstration, or commercial film production, that does not comply with all reasonable time, place, manner, and route restrictions deemed necessary by the Permitting Authority and public safety officials.

...

(f) In addition to the penalties set forth in § 1-15, the Permitting Authority may consider the violation of the special event terms and conditions in approving or denying future event applications by the same applicant or organization.

Section 15. That the definition “*Coordinator*” contained in Section 23.5-2 of the Code of the City of Fort Collins is hereby deleted in its entirety.

Introduced, considered favorably on first reading and ordered published this 6th day of June, 2023, and to be presented for final passage on the 20th day of June, 2023.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading this 20th day of June, 2023.

Mayor

ATTEST:

Chief Deputy City Clerk