

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 41, 2022**

**AN ORDINANCE REPEALING AND REPLACING ARTICLE V OF TITLE 18 AND
ENACTING A NEW ARTICLE V OF TITLE 18 REGARDING EVENT AND DEMONSTRATION
PERMITS; AND MAKING CHANGES TO SECTION 12-357 REGARDING AMPLIFIED
SOUND PERMITS**

WHEREAS, the City of Greeley ("City") is a Colorado home rule municipality, with all powers and authority vested under Colorado law; and

WHEREAS, the City Council is authorized to manage activities occurring on public property and in public right of way; and

WHEREAS, many groups wish to use public spaces to host community events and the City wants to provide a clear process by which to permit these activities; and

WHEREAS, the City Council recognizes and supports the right of citizens to engage in first amendment activities on public spaces and wishes to distinguish these activities from other events occurring on public spaces; and

WHEREAS, after review of these recommended changes, Council believes that it is in the best interests of the citizens of the City of Greeley that this ordinance be adopted.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. Sections 18-147, 18-148, 18-149, 18-150 and 18-151 located in Article V, Title 18 are hereby repealed in their entirety as shown on Appendix A attached hereto and incorporated herein by this reference.

Section 2. Article V of Title 18 shall be amended by the adoption of Sections 18-146, 18-147, 18-148, 18-149, 18-150, 18-151, 18-152, 18-153, and 18-154 as shown on Appendix B attached hereto and incorporated herein by this reference.

Section 3. Section 12-357 shall be amended as set forth on Appendix C attached hereto and incorporated herein by this reference.

Section 4. This ordinance shall become effective five (5) days following its final publication, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____, 2022.

ATTEST

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor John Gates

ARTICLE V. PARADE, MEETING AND ASSEMBLY PERMITS~~Sec. 18-147. Permit and conformance to terms required.~~

~~It is unlawful for any person to organize, sponsor or participate in a meeting, assembly or parade attended by ten or more persons in or upon the public streets, sidewalks or public parks within the city unless and until a permit to conduct such parade, meeting or assembly has been applied for and obtained, as provided in this article, and unless such event is conducted in accordance with the terms set forth in such permit.~~

~~Sec. 18-148. Application for permit; forms; filing deadline; contents.~~

~~Application for a permit contemplated at section 18-147 shall be made on a form prepared and made available by the city manager. The form, filled in with the requested information and signed by at least one of the organizers of the proposed parade, meeting or assembly, shall be filed with the chief of police at least three full days, exclusive of Sundays and legal holidays, before the event for which a permit is requested. The application form may require a disclosure of the name or names of the individuals who are the principal organizers or sponsors or who are officers of any sponsoring organization; the parks, streets or sidewalks to be utilized; the date and hour of the event; the number of persons expected to participate in and attend the event; and such additional information as the city manager deems pertinent to proper police planning for the event.~~

~~Sec. 18-149. Action on application; deadline for decision; alternatives.~~

~~Within 24 hours following the filing of the application provided for in section 18-148, the chief of police shall either issue the permit for the time and place proposed in the application, deny the application or issue a permit for a different time, place or on conditions different than proposed in the application. The chief of police shall issue the permit for the time and place set forth in the application unless he finds that the proposed meeting, assembly or parade would likely:~~

- ~~(1) — Conflict as to time or place with a meeting, assembly or parade for which a permit previously has been granted;~~
- ~~(2) — Prevent the safe and orderly movement of traffic contiguous to the parade route or contiguous to the place of the meeting or assembly; or~~
- ~~(3) — Require the diversion of so great a number of police officers in order to properly police the parade, meeting or assembly as to prevent normal police protection to the city, considering all available police personnel.~~

~~Sec. 18-150. Denial or issuance of changed permit; form and content.~~

~~If the chief of police finds that the proposed event for which a permit was applied for as provided at section 18-148 likely would cause any of the conditions specified in section 18-149, the chief of police shall deny the application or shall issue a permit for a different time or place or on conditions different than proposed in the application. All permits shall be in writing, signed by the chief of police and shall contain the names of all persons who signed the application and names of all organizations listed in the application, the type of event authorized and when and where it shall occur. All denials shall be in writing and signed by the chief of police and shall set forth the reasons for denial.~~

~~Sec. 18-151. Appeals.~~

Any applicant not satisfied with the action taken by the chief of police with regard to the application made as provided at section 18-148 shall have the right to take successive appeals; first to the city manager, then to the city council and then to the municipal court, or the applicant may, if he desires, appeal directly from the chief of police to the municipal court.

(1) — Filing. An appeal to the city manager shall be taken by filing with the city clerk a signed statement that the applicant desires to appeal to the city manager, and by filing also a copy of the application and the written denial or the permit objected to. An appeal to the city council shall be taken by filing with the city clerk copies of the application, denial or permit and, in addition, the written decision issued by the city manager and a signed statement that the applicant desires to appeal to the city council. An appeal to the municipal court shall be taken by filing all of such documents, or copies thereof, with the clerk of the municipal court together with the decision issued by the city manager and a signed statement that the applicant desires to appeal to the municipal court.

(2) — Deadlines. Each appeal must be taken within two days, exclusive of Saturdays, Sundays and legal holidays, of the action appealed from and the city manager, city council and municipal court, respectively, shall render final decisions within two days, exclusive of Saturdays, Sundays and legal holidays, of the filing of any such appeal.

(3) — Hearings. A hearing shall precede a decision by either the city manager, city council or municipal court and advance notice of the hearing shall be given to the applicant and the chief of police as soon as practicable after the appeal is filed. At the hearing, the chief of police shall have the burden of justifying the denial of the application or the granting of the permit on conditions different than those proposed in the application.

(4) — Decisions. The decision of the city manager, city council or municipal court shall be in writing and either shall affirm the action of the chief of police or shall order him to issue the permit as applied for, or for a different time or place or on conditions different than those proposed in the application. Each decision shall be communicated as soon as practicable to the applicant and the chief of police.

(5) — Further appeal. Nothing in this section prohibits a further appeal by the applicant to the county court.

Secs. 18-152—18-170. Reserved.

ARTICLE V. - EVENT AND DEMONSTRATION PERMITS

Sec. 18-146- Definitions

As used in this Article, the following words and terms shall be defined as follows, unless the context requires otherwise:

Applicant shall mean any person or organization that seeks a permit from the City to conduct a demonstration or event governed by this Article. If a person, an applicant must be eighteen (18) years of age or older.

Demonstration shall mean a rally, picketing, speech, march, vigil, religious service or any similar gathering expected to be attended by 10 or more people that primarily involves the communication or expression of views or grievances engaged in by more than one person, that occurs on the public streets, sidewalks or public parks within the City, which does not comply with traffic laws and controls or which may, in the reasonable judgment of the Police Chief, 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.

Demonstration Permit means a permit issued by the Chief of Police for a Demonstration pursuant to this Article.

Event shall mean any gathering, special event, block party, parade, street fair, festival, outdoor concert, art and craft show, carnival, fun run or walk, bike ride or race or foot race, or other outdoor event which is not a demonstration as defined in this Chapter, that

- (a) occurs on the public streets, public right of way, public sidewalks within the City;
or
- (b) occurs on any property, including private property and property owned or leased by the City and involves amplified noise; or
- (c) occurs on any property and may obstruct, delay or interfere with the normal operation or flow of pedestrian or vehicular traffic.

Event Permit means a permit issued by the City Manager for an Event pursuant to this Article.

Permittee means any person or organization that has been issued a permit pursuant to this Article.

Sec. 18-147- Demonstration without permit unlawful.

It is unlawful for any person to organize, sponsor or participate in a Demonstration attended by ten (10) or more persons in or upon the public streets, sidewalks or public parks within the city unless and until a permit to conduct such Demonstration has been applied for and obtained, as provided in this article, and unless such event is conducted in accordance with the terms set forth in such permit.

Sec. 18-148- Demonstration Permit and conformance to terms required; Exceptions.

- (a) Any person desiring to conduct a Demonstration in the City attended by ten (10) or more persons, 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 Chief of Police at least seventy-two (72) hours prior to the demonstration and receive a Demonstration Permit.
- (b) Failure to provide such notice may result in the restriction, relocation, or prohibition of the activity.
- (c) All Demonstration Permits shall be in writing, signed by the Chief of Police or designee and shall contain the names of all persons who signed the application and names of all organizations listed in the application, and when and where the Demonstration shall occur.

Sec. 18-149- Denial of Demonstration Permit.

- (a) The Chief of Police may deny the application or shall issue a Demonstration Permit for a different time or place or on conditions different than proposed in the application if the Chief of Police finds that the proposed Demonstration would likely:

 - (1) Conflict as to time or place with a Demonstration or Event for which a permit previously has been granted;
 - (2) Prevent the safe and orderly movement of traffic contiguous to the route or place of the Demonstration; or
 - (3) Require the diversion of so great a number of police officers in order to properly police the Demonstration as to prevent normal police protection to the city, considering all available police personnel.
- (b) All denials shall be in writing and signed by the Chief of Police or designee and shall set forth the reasons for denial.
- (c) An applicant may appeal the denial of a Demonstration Permit pursuant to Sec. 18-154.

Sec. 18-150- Event without Permit unlawful

It is unlawful for any person to organize, sponsor or participate in an Event unless and until an Event Permit to conduct such Event has been applied for and obtained, as provided in this article, and unless such event is conducted in accordance with the terms set forth in such Event Permit.

Sec. 18-151- Event Permit and conformance to terms required; Exceptions.

- (a) Any person desiring to sponsor an Event as defined herein must file a complete application, including all required attachments, with the City Manager or designee on a form supplied by the City Manager. Applications must be submitted no less than sixty (60) days nor more than one (1) year prior to the date of the Event.
- (b) Upon delivery of the Event Permit application, the applicant shall pay to the City all applicable fees and deposits in an amount set by the City Manager.
- (c) The application for an Event Permit shall be on a form prescribed by the City Manager and may include but not be limited to a request for any or all of the following information:
 - (1) The name, address, and telephone number of the applicant;
 - (2) The date(s), time(s), and purpose of the Event, a description of the Event venue and the number and type of participants and spectators expected at the Event;
 - (3) A proposed traffic plan and/or street closure plan for the Event venue and surrounding areas affected by the Event;
 - (4) A proposed Site plan;
 - (5) A proposed Security plan;
 - (6) Information detailing whether the Event will include amplified noise, and if it will, detailing the type of amplification to be used, and the time that amplified noise will be present during the Event;
 - (7) The number and location of portable sanitation facilities and a schedule for delivery, removal, and cleanup;
 - (8) A description of the public safety or other public facilities or resources requested to accommodate the Event;
 - (9) Other equipment or services requested to conduct the Event with due regard to participant and public health, safety, and welfare;
 - (10) The number of persons proposed or required to monitor or facilitate the Event and provide spectator and participant control for the Event;
 - (11) A medical plan containing provisions for first aid or emergency medical services, or both, based on the Event's risk factors;
 - (12) An estimate of the time and resources needed to clean the venue area after the Event;

- (13) Proof of public liability insurance if required by the City;
- (14) If the applicant is a corporate entity or other organization, a Certificate of Good Standing issued by the Secretary of State for the State of Colorado;
- (15) If alcohol is to be served, proof of a pending or granted liquor license application;
- (16) If the sale of merchandise or food is planned, a copy of the current City sales tax license for each vendor at the Event and a copy of the current license from the Weld County Health Department for each food vendor;
- (17) Any other information reasonably requested by the City, including any other relevant necessary permits.

Sec. 18-152. - Action on Event Permit application; deadline for decision; alternatives.

- (a) Within forty-five (45) days-following the filing of the full and complete application for an Event Permit, the City Manager or designee shall either issue the Event Permit for the time and place proposed in the application, deny the application or issue an Event Permit for a different time, place or on conditions different than proposed in the application.
- (b) The Event Permit shall be in writing, signed by the City Manager or designee and shall contain the names of all persons who signed the application and names of all organizations listed in the application, the type of event authorized and when and where it shall occur.
- (c) The City Manager or designee may deny an Event Permit application if the City Manager or designee finds that the proposed Event poses a danger to the public health, safety or welfare. In making this determination the City Manager may consider the following factors:
 - (1) Whether the applicant failed to provide for the services of a sufficient number of public safety employees, emergency medical personnel or other monitors;
 - (2) Whether the applicant failed to provide sufficient safety, health or sanitation equipment, services or facilities;
 - (3) Whether the applicant failed to provide sufficient off-site parking or shuttle service to minimize any adverse impacts on general parking and traffic circulation;
 - (4) Whether the applicant failed to provide all required information or otherwise meet all requirements of the application;

- (5) Whether the applicant failed to conduct a previously permitted Event in accordance with the law or the terms and conditions of a prior Event Permit;
- (6) Whether the same previously permitted-Event was conducted in violation of the law or the terms and conditions of the Event Permit;
- (7) Whether the applicant demonstrates an inability or unwillingness to conduct the Event pursuant to the terms and conditions of the Event Permit, Federal, State and local law, or other required government approvals;
- (8) Another Event or Demonstration Permit or application has been received prior in time, or has already been approved, to hold another Event or Demonstration at the same time and place requested by the applicant, or so close in time and places as to cause undue traffic congestion;
- (9) Whether the Event cannot be conducted in such a way as to preserve public safety and allow for the orderly movement of traffic contiguous to the place of the Event; or
- (10) Whether the-Event would require the diversion of so great a number of police officers in order to properly police the-Event as to prevent normal police protection to the City, considering all available police personnel.

Sec. 18-153. - Denial or issuance of changed permit; form and content.

If the City Manager or designee finds that the proposed Event for which a Permit was applied for likely would cause any of the conditions specified in Section 18-152, the City Manager or designee shall deny the application or shall issue an Event Permit for a different time or place or on conditions different than proposed in the application. All denials shall be in writing and signed by the City Manager or designee and shall set forth the reasons for denial.

Sec. 18-154. - Appeals.

- (a) Any applicant not satisfied with the action submitted with regard to the application made as provided at Sections 18-148 or 18-151 shall have the right to appeal to the City Manager.
- (b) An appeal to the City Manager shall be taken by filing with the City Clerk a signed statement that the applicant desires to appeal to the City Manager with a copy of the application and the written denial or the Permit objected to.
- (c) The appeal must be taken within two days, exclusive of Saturdays, Sundays and legal holidays, of the action appealed from.
- (d) The City Manager may hold a hearing regarding the appeal if, in their sole discretion, the City Manager determines that a hearing would assist in making a

determination on the appeal. Such hearing shall be held within five (5) days of the date the appeal was filed, exclusive of Saturdays, Sundays, and legal holidays. Advance notice of the hearing shall be given to the applicant as soon as practicable after the appeal is filed.

(e) The decision of the City Manager shall be in writing and shall:

(1) affirm the action of the City; or

(2) order the issuance of the Permit as applied for; or

(3) order the issuance of a Permit for a different time or place or on conditions different than those proposed in the application.

(f) The City Manager's decision shall be provided no later than two (2) days, exclusive of Saturdays, Sundays and legal holidays, after the filing of any such appeal or from the conclusion of a hearing, if applicable.

(g) Nothing herein prohibits a further appeal by the applicant to the county court.

Sec. 18-154 — Revocation.

(a) A Demonstration Permit or an Event Permit may be revoked at any time if the Chief of Police, the City Manager or their designees determines:

(1) That the Demonstration or Event is being conducted in violation of any term or condition of the Permit or of any other law or ordinance;

(2) The Demonstration or Event poses an imminent threat to the public health, safety or welfare; or

(3) The Event Permit applicant, event organizer or any person associated with the Event has failed to obtain any other permit or license required by law.

(b) If the Demonstration or Event Permit is revoked after issuance but prior to the commencement of the Demonstration or Event, the Chief of Police, the City Manager or their designee shall provide the permittee written notice of revocation. The written notice shall set forth the reasons for the revocation.

(c) If the Demonstration Permit or Event Permit is revoked after the commencement of the Demonstration or Event, the Chief of Police, the City Manager or their designee may notify the permittee verbally of the revocation and order the permittee to cease the Demonstration or Event. It shall be unlawful for a permittee to fail to comply with a verbal notice of revocation and order to cease the Demonstration or Event.

(d) An applicant or permittee may appeal a revocation of the Demonstration or Event Permit in accordance with the appeals process contained in this Chapter.

Secs. 18-155—18-170. - Reserved.

CHAPTER 6. - NOISE CONTROL**ARTICLE III. - SOUND-AMPLIFYING EQUIPMENT****Sec. 12-357. - Permit application.**

(a) An application for a permit shall be directed to the chief of police or their designee and shall provide the following information:

- (1) The name, address and telephone number of both the owner and user of the sound-amplifying equipment;
- (2) The license number of a vehicle which is to be used;
- (3) The general description of the sound-amplifying equipment which is to be used;
- (4) Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes; and
- (5) The dates and times upon which and the streets over which the equipment is proposed to be operated.

(b) An event permit granted by the city manager pursuant to section 18-150 shall substitute for a sound amplifying permit granted by the chief of police or their designee. All requirements of Title 12, Chapter 6, Article III shall apply to amplified noise used in association with an Event.