

**ADMINISTRATIVE RULES AND REGULATIONS CONCERNING THE TOWN OF
BRECKENRIDGE “SPECIAL EVENTS ORDINANCE”**

- A. **Effective Date.** These regulations are effective August 1st, 2018.
- B. **Authority.** These regulations are issued by the Town Manager of the Town of Breckenridge pursuant to the authority granted by Section 4-13-26 of the Town of Breckenridge “Special Events Ordinance” (Chapter 13 of Title 4 of the Breckenridge Town Code).
- C. **Adoption Procedures.** The procedures set forth in Chapter 18 of Title 1 of the Breckenridge Town Code were followed in connection with the issuance of these regulations. Notice of the adoption of these regulations was given in accordance with the requirements set forth in Section 1-18-3 of the Breckenridge Town Code.
- D. **Conflict With Special Events Ordinance.** These regulations do not amend the Town’s “Special Events Ordinance.” If there is a conflict between these regulations and the Special Events Ordinance, the ordinance will control.
- E. **Definitions Adopted By Reference.** All of the definitions in Section 4-13-4 of the Special Events Ordinance are adopted by reference and incorporated into these regulations.
- F. **Additional Definitions.** As used in these regulations the following words and phrases have the following meanings:

“Events Committee” means the Breckenridge Events Committee, consisting of representatives of the Town’s partner organizations, representatives of the Breckenridge Tourism Office, one designated representative from Town staff, and one designated representative of the Town Council. The composition of the Events Committee, as the same may be altered from time to time, must be approved by the Town Manager.

“SEPA Review Group” includes members of the Town’s Community Development Department, the Town’s Police Department, the Town Clerk/Finance & Municipal Services Department, the Town’s Public Works Department, the Red, White and Blue Fire Protection District, the Breckenridge Tourism Office, and any other person or agency that the Events Committee determines should properly investigate and comment upon the application.

“Town Property” means: (i) land or other property owned by the Town; (ii) land or other property that the Town holds a present right of possession and control; and (iii) all public rights-of-way owned or controlled by the Town.

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G. **Filming Activities on Town Property Not Requiring A Special Event Permit.**

The following filming activities on Town property do not require a special event permit:

1. Filming or photography by casual photographers and tourists for solely private use;
2. Filming by free-lance/commercial photographers not involving a total crew (including the photographer) of more than three persons if no street or public space closures or other Town services are required;
3. Filming or photography by credentialed members of the news media, including reporters, photographers or camera persons in the employ of a newspaper, news service or similar entity engaged in on-the-spot print media, publishing or broadcasting of news events and of general public interest, and/or for use in criminal investigations, civil proceedings and emergencies such as fires, floods, etc. This exception does not apply to magazines or documentary programs;
4. Filming or photography undertaken by the Town;
5. Filming or photography by education, government and public access and local origination programs for cable television systems franchised within the Town;
6. Filming or photography of a parade, rally, protest, or demonstration;
7. Any filming or photography that the Town Manager determines should be exempt from the requirements of these regulations because the Town will receive a substantial benefit from such activity.

H. **Delegation of Authority to Events Committee.** Pursuant to Section 1-7-2 of the Breckenridge Town Code the Town Manager delegates to the SEPA Administrator, as the Town Manager's authorized representative, the authority to enforce the Special Events Ordinance, except for the following sections the performance or enforcement of which are reserved to the Town Manager:

- a. Section 4-13-10(A)(7)(Authority to Approve Special Event With Duration Longer Than 5 Days)
- b. Section 4-13-24 (Suspension or Revocation of Permit)
- c. Section 4-13-26 (Rules and Regulations)

With respect to those sections of the Special Events Ordinance that the Events Committee is authorized to enforce, references to the "Town Manager" mean the "Events Committee," unless the context clearly requires otherwise.

I. **Contents of Application For Special Events Permit.** An application for a special event permit shall contain the following information:

1. The applicant's name, address, and telephone number.
2. The name, title (if any), address, and telephone number of the contact person for the applicant with respect to the special event.
3. A description of the special event, including a description of the purpose, scope, and activities planned during the event.
4. The proposed date(s) of the special event.
5. The proposed location of the special event.
6. The proposed hours of operation of the special event.
7. The dates and times when the special event facilities will be set up and torn down.
8. If the special event will involve the use of any Town street(s), trail(s), park(s), land(s), building(s), parking lot(s) or right(s) of way, a statement as to the portion(s) of the Town street(s), trail(s), park(s), land(s), building(s), parking lot(s) or right(s) of way which will be used or occupied in connection with the special event.
9. A statement of the fees, if any, to be charged to participants at the special event.
10. A list of food and/or beverages, including alcoholic beverages, that will be served at the special event.
11. A statement of whether goods and merchandise will be sold at the special event.
12. A map including pedestrian flow, emergency access, trash receptacles, temporary structures, sign placement, parking areas and activity areas.
13. Proof of the applicant's tax exempt status, if applicable.
14. First time special events shall provide evidence indicating the extent of neighborhood and business support for the holding of the special event.
15. A description and location of any recording equipment, tents, or other structures, sound amplification equipment, banners, signs, or other attention getting devices proposed to be used in connection with the special event.
16. A plan for providing adequate safety for spectators and workers at the special event.
17. A plan for providing adequate sanitation at the special event, including "event greening" and recycling plans.
18. The approximate number of staff, vendors, and entertainers reasonably anticipated to participate in putting on the special event (excluding spectators).
19. A good faith estimate of the approximate number of spectators expected to attend the special event each day.
20. The number of security personnel to be hired for the special event, if any.

21. A designation of any public facilities or equipment to be utilized.
22. A complete list of the names, addresses, and telephone numbers of all vendors who will participate in the special event.
23. For trail-based events, applicant must provide proof of approval from private property owners, Summit County Open Space and US Forest Service when the event utilizes those entities properties as part of the event.
24. Any additional information that the Events Committee reasonably determines to be necessary in connection with its investigation and review of the application.

J. Application of Permit. An application for a special event permit shall be filed with the Town manager not less than ninety (90) days nor more than three hundred sixty-five (365) days before the special event is proposed to begin. The Town manager may waive the minimum filing period and accept an application filed within a shorter time period if, after due consideration of the date, time, place, and nature of the special event, the anticipated number of participants, and the Town services required in connection with the special event, the Town manager determines that sufficient time exists for the proper investigation and review of the application; that the waiver will not present a hazard to public health, safety or welfare; and that the waiver will not create a substantial burden on the Town's staff or financial resources.

K. Fees.

1. When an application is filed an applicant shall pay to the SEPA Administrator a nonrefundable application fee as approved annually by Town Council.
2. Applications submitted after the established deadline without good cause will be subject to denial and/or a late fee set annually through the budget process.
3. Other fees or deposits may be required by the permittee to cover potential financial obligations to the Town that may be incurred by the permittee in connection with the permitted activity. Fees could include, but are not limited to, the use of open space and trails and other Town property, services from the Police Department, the Public Works Department, and/or a security deposit for damages to property, or trash and sanitation. Factors to be considered may include, but are not limited to, the number of people involved, the location of the activity, and the nature of the activity. A deposit may be in the form of cash, certified funds payable to the Town or credit card. A deposit may be used by the Town to pay for any monetary obligation due to the Town from the permittee. If a deposit is required, any unused portion of the deposit will be refunded to the permittee within 60 days after the conclusion of the permitted activity.

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L. **Investigation of Application**. Upon receipt of a properly completed application, and the payment of the required application fee, the SEPA Administrator shall transmit copies of the application to the SEPA Review Group for their review as provided in Section 4-3-19 of the Special Events Ordinance.

M. **Contents of Special Events Permit**. A permit shall contain the following information:

1. The name of the permittee;
2. The location of the special event to be held pursuant to the permit;
3. The date(s) of the special event to be held pursuant to the permit, including the dates and times for the setup and tear down of the event;
4. The starting and ending times the special event is to be held pursuant to the permit;
5. The name and telephone number of the permittee's local contact person for the special event;
6. A requirement that the permittee provide proof of insurance pursuant to Section 4-13-21 of the Special Events Ordinance;
7. An advisement to the permittee of the permittee's duties under section 4-13-22 of the Special Events Ordinance;
8. An acknowledgment by the permittee that the permit may be summarily suspended by the Town Manager in accordance with Section 4-13-24(E) of the Special Events Ordinance;
9. Any special conditions of approval imposed upon the permit by the Events Committee pursuant to Section 4-13-13 of the Special Events Ordinance;
10. A list of all vendors who will participate in the special event; and
11. Such other information related to the special event as the Events Committee shall determine to be necessary or appropriate for inclusion in the permit.

A permit must be signed by the permittee as an acceptance of the findings and conditions, and then by either the Town Manager or, the Assistant Town Manager to be valid.

N. **Standard Conditions of Permit**. In addition to other duties required of a permittee under the Special Events Ordinance or these regulations, a permittee must comply with the following additional duties:

1. A permit is not intended to authorize activities that are illegal under any applicable Town, state or federal law or rule, except that permittees may engage in such conduct as is expressly authorized by the permit.

2. All permittees must confine their activities to the location(s) and time(s) specified on their permit. The Events Committee may establish specific guidelines to address conditions that exist at certain designated locations and the use of vehicles and equipment at locations based on, among other considerations, the time of day, weather conditions, season, location, and day of the week.
3. All permittees are responsible for cleaning and restoring the site after the end of the permitted activity. The cost of any Town employee time incurred because of a permittee's failure to clean and/or restore the site following the end of the permitted activity will be borne by the permittee.
4. Should there be any injuries, accidents, other health incidents or damage to private or Town property in connection with a permitted activity, the permittee must immediately notify the Town Manager or Police Chief.
5. Only vehicles with permits issued by the Police Chief will be allowed to park in areas designated for the permitted activity at the time(s) and location(s) described in the applicable permit.
6. The use of pyrotechnics, fire effects and explosions, including simulated smoke and smoke effects, must be conducted only upon authorization by the Red, White and Blue Fire District, and subsequent approval must be obtained from the Police Chief and the Town Manager prior to start of event.
7. Any activity proposed to be conducted pursuant to the permit that is determined by the Events Committee to cause a potential danger to persons or property will be referred for approval by the Police Chief or other governmental agency having jurisdiction over such activity. Such activities must include, but not be limited to, the use of stunts, helicopters, firearms, or simulated firearms or other weapons.
8. A permittee is strictly liable to the Town for any damage to, or destruction of, any Town property occurring in connection with the permitted activity. This obligation will survive the suspension, revocation, expiration, or other termination of the permit, and will continue to be fully enforceable thereafter.
9. Trimming, damaging, removing or cutting trees or vegetation on Town property is prohibited without the prior approval of the Events Committee.
10. No street signs, street lights, postal boxes, benches, or any other permanent street structure may be removed or altered without the prior approval of the Town department charged with maintaining such structures.
11. If determined by the Events Committee to be appropriate, permittees must submit a mitigation plan for minimizing the potential inconvenience to residents and/or businesses.
12. By accepting a permit, a permittee irrevocably agrees to protect all persons and property from damage, loss or injury arising from any of the

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operations performed by or on behalf of the permittee pursuant to the permit and, to the full extent permitted by law, to indemnify, defend, and hold the Town harmless from all claims, losses, damages, and expenses, including attorneys' fees and costs (including expert witness fees), that may be incurred by the Town as result therefrom. This indemnification requirement will survive the suspension, revocation, expiration, or other termination of the permit, and will continue to be fully enforceable thereafter.

13. If the Town Manager determines, in light of the activity for which a permit is sought, that such activity may increase the potential for injury to individuals and/or damage to property, and that the minimum limits of liability insurance coverage should be higher than one million dollars (\$1,000,000) per occurrence required by Section 4-13-21 of the Special Events Ordinance, the Events Committee may determine what higher minimum limit is to be required and will inform the applicant of such higher limit. Factors to be considered may include, but are not limited to, the number of people involved, the location of the activity, and the nature of the activity. The applicant must thereafter provide proof of such increased liability insurance coverage. If the Events Committee determines in writing that a higher minimum limits of liability insurance coverage is required, the applicant may appeal such determination pursuant to Section 4-13-17 of the Special Events Ordinance.
14. The Town Manager may waive the required liability insurance if the applicant is able to demonstrate that such insurance cannot be obtained without imposing an unreasonable hardship on the applicant. Any request for a waiver of the insurance must be included by the applicant in the permit application. The burden of demonstrating unreasonable hardship is on the applicant, and may be demonstrated by a showing, for example, that the cost of obtaining insurance for the permitted activity exceeds twenty-five percent (25%) of the applicant's budget for such activity that is the subject of the application. The Events Committee will take into consideration the applicant's projections of budget as well as the budget projections for comparable productions of similar size and duration in determining whether the cost of obtaining insurance exceeds twenty-five percent (25%) of the budget. The Events Committee may also take into consideration its determination that the permitted activity may increase the potential for injury to individuals and/or damage to property. If the Events Committee denies a request for a waiver of the insurance requirement, the applicant may appeal such denial pursuant to Section 4-13-17 of the Special Events Ordinance.

- O. **Notice of Issuance of Permit**. Immediately upon the issuance of a permit, the SEPA Administrator shall make available a copy of the permit to the members of

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the SEPA Review Group.

P. **Special Rules For Filming and Photography.** In addition to the administrative regulations set forth above, unless exempted as provided below, an applicant for a special event permit that includes filming or photography on any Town property must comply with the following additional administrative regulations:

1. The Town Manager may waive or reduce the application fee if:
 - a. the permitted activity will result in substantial, beneficial media/public relations for the Town; or
 - b. the applicant is a film student.
2. If known at the time of the application, an application for a special event permit that will involve filming or photography must include, in addition to the other information required by Rule I of these regulations the date(s) and time(s) of scouting, rigging, or shooting and location of such activity, and any special circumstances including, but not limited to, information regarding whether the activity involves special parking requests, traffic control issues, or special effects.
3. Film school students must provide a letter from the student's school confirming the existence of the insurance coverage required by Section 4-13-21 of the Special Events Ordinance, or any higher insurance limits required pursuant to Rule M(13) of these regulations, and confirmation of the student's current enrollment in the school.
4. In addition to the other ground for denial of a special events permit set forth in the Special Events Ordinance, an application for a special event permit may be denied for any of the following reasons:
 - a. the activity proposed by the application may reasonably pose a danger or a threat to participants, onlookers, or the general public;
 - b. the date(s) and time(s) requested for a particular location is not available because a permit has previously been issued for such date(s) and time(s);
 - c. the proposed location(s) cannot reasonably be accommodated by the Town for any other reason specified by the Town Manager, including, without limitation, that the requested use of the location would unreasonably interfere with the operations of Town government or the use of the Town's property;

- d. the Town Manager has concluded, based on specific information, that the applicant is unlikely to comply with the material terms of the requested permit; or
 - e. use of the location or the proposed activity at the location would otherwise violate any law, ordinance, statute or regulation.
5. In addition to other duties required of a permittee under the Special Events Ordinance or these regulations, a permittee whose permit includes filming or photography must comply with the following additional duties:
- a. All permittees are responsible to procure model/subject releases from anyone participating in the event;
 - b. No dolly track or other equipment may be laid across a street, sidewalk, or block a fire lane without prior approval of the Police Chief, and the Red, White and Blue Fire Protection District;
 - c. Where a public street or alley is closed in connection with a permitted activity rigging or production activities, a 13.5-foot lane must be kept open. Such requirement may be waived upon an appropriate showing of need or at the discretion of the Police Chief.

Dated: _____, 2018

Rick G. Holman, Town Manager
Town of Breckenridge, Colorado