

TOWN OF MT. CRESTED BUTTE
ORDINANCE NO. 3
SERIES 2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, ESTABLISHING A NEW ARTICLE VI OF CHAPTER 11 OF THE CODE OF THE TOWN OF MT. CRESTED BUTTE TO IMPLEMENT SPECIAL EVENT PERMITTING REGULATIONS

WHEREAS, the Town of Mt. Crested Butte, Colorado (“Town”) is a home-rule municipality organized under Article XX of the Colorado Constitution and governed by its elected Town Council (“Council”); and

WHEREAS, pursuant to its home rule authority and C.R.S. §§ 31-15-501 and 31-23-301, *et seq.*, the Town, acting through its Council, is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, the Town has experienced an increase in recent years of local special events which necessitate the provision of public services to ensure continued public safety at said events; and

WHEREAS, in the past, the Town has been informally involved in assisting with the hosting of special events; and

WHEREAS, Staff has recommended a formal special event permitting process which requires certain information from hosts of special events and the issuance of a permit for same to better prepare the Town and the public for the strain on public resources special events implicate; and

WHEREAS, the Council desires to adopt a formal special event permitting process.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, AS FOLLOWS:

Section 1. Chapter 11 of the Code is hereby amended by the addition of a new Article VI, to read in its entirety as follows:

Article VI Special Event Permitting

11-71 Permit required.

(A) A special event permit must be obtained from the Town prior to a planned event involving the assembly of persons, to be conducted in whole or in part on any public street, sidewalk or other property owned, managed, or controlled by the Town or any property in which the Town holds a leasehold interest, or for any event that falls within the special event guidelines adopted by the Council.

(B) It shall be unlawful to host a special event within the Town in violation of this Article.

11-72 Permit application.

(A) An application for a special event permit must be filed with the license officer, not less than forty-five (45) days prior to the commencement of the proposed special event. The application shall be submitted on a special event application form provided by the Town. The Town may charge a late fee for the consideration of any application submitted after the application deadline.

(B) Special Event Classifications. All special event applications shall be compared against the special event guidelines adopted by the Council by resolution. The license officer shall make the special event guidelines available to all special event permit applicants.

(C) The license officer shall review and process all special event permit applications and is hereby authorized to administratively approve an application that satisfies each of the following criteria:

(1) The application is complete and sufficient information has been submitted based on the requirements of the special event guidelines;

(2) All applicable fees have been paid;

(3) the applicant, as part of the application, has executed an indemnification agreement in a form approved by the Town Attorney, in which the applicant agrees to reimburse the Town for any costs incurred by the Town in repairing damage to Town property occurring in connection with the special event caused by the applicant, its officers, employees or agents, and agrees to defend the Town against, and indemnify and hold the Town and its officers and employees harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the event proximately caused by the actions of the permittee, its officers, employees or agents, or any person under its control;

(4) the applicant possesses or agrees to obtain general liability insurance or special events liability insurance naming the Town, its officers and employees as additional insureds; and

(a) In the event the application is approved upon a promise to obtain the insurance required herein, the applicant shall provide proof of the required policy no less than ten (10) days before the start of the event.

(5) The completed application has been referred to all affected Town departments, as determined by the license officer, and the license officer has received no returned comments in objection to the application; and

(6) The application does not request any waiver or exception from the Town's rules, regulations, ordinances, Code provisions or any other requirement that applies to special events or to the activity proposed.

(D) The license officer shall refer any application that does not meet the above criteria to the Town Manager for review. The license officer may refer any application, regardless of whether it meets the above criteria, to the Town Manager for action in the license officer's discretion. The Town Manager may approve an application upon a finding that:

(1) the application is complete and sufficient information has been provided;

(2) all fees have been paid;

(3) any objections to the application identified by Town staff or other interested parties have been addressed to the satisfaction of the Town Manager; and

(4) any requested waiver or exception from the Town's rules, regulations, ordinances, Code provisions or other special event requirement are justified as a result of extraordinary circumstances.

(E) The license officer and the Town Council are authorized to impose conditions on the approval of any special event permit application designed to ensure compliance with this Article, the Code or any other applicable law, ordinance or regulation, or to prevent or mitigate the potentially adverse impacts of the special event on Town residents, businesses, visitors and property owners.

11-73 Permit revocation.

(A) The license officer may revoke an approved special event permit provided notice of the hearing for revocation of a permit shall be given by the license officer to the applicant in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be personally served or may be emailed or mailed, postage prepaid, to the applicant at his/her local address as set forth on the application at least three (3) days prior to the date set for the hearing. The hearing shall be conducted by the Town Manager, or a hearing officer appointed by the Town Manager. The Town Manager or hearing officer's decision shall serve as the final decision of the Town. Potential grounds for revocation are:

(1) The applicant has failed to pay any fee or amount owing the Town by the deadline specified by the Town;

(2) The applicant has failed to furnish any additional information that he or she was required to furnish as a part of the application process by the deadline specified by the Town;

(3) The applicant has failed to timely or fully satisfy any other condition of approval imposed by the Town;

(4) The application contains misrepresentation, fraud or a false statement of a material fact, not discovered by the Town prior to its initial approval of the application; or

(5) Any other condition exists which, if it had existed or had been known to exist at the time of the application, would have warranted a denial of the application.

(B) No fee previously paid by an applicant in connection with an approved application shall be refunded if the permit is subsequently revoked pursuant to this Section.

(C) In the event a permit is revoked, or an approved special event violates any provision of this Code or any requirement or condition of the permit, a subsequent special event permit application from the applicant may not be approved administratively. The Town Council shall review and act on such an application pursuant to Subsection 11-72(C) of this Article.

Section 2. Severability. Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the Town Council of the Town of Mt. Crested Butte, Colorado, that the remaining provisions of this ordinance be given full force and effect if it is possible to do so.

Section 3. Effective Date. This ordinance shall take effect five days after publication following final passage, pursuant to Section IV.I of the home rule charter.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED on first reading at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, this 4th day of February, 2025.

PASSED, ADOPTED, AND APPROVED ON SECOND READING at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, held the 4th day of March, 2025.

TOWN OF MT. CRESTED BUTTE, COLORADO


By: Nicholas Kempin, Mayor

ATTEST:



Tiffany O'Connell, Town Clerk