

CHAPTER 11

Streets, Sidewalks and Public Property

- Article I Sidewalks**
- Sec. 11-1-10 Definition
 - Sec. 11-1-20 Duty to keep sidewalks clear of snow and ice
 - Sec. 11-1-30 Deposit of snow and ice in public roadway
 - Sec. 11-1-40 Civil liability for noncompliance
 - Sec. 11-1-50 Construction required; permit
 - Sec. 11-1-60 Application for permit; designation of grade and line
 - Sec. 11-1-70 Specifications
 - Sec. 11-1-80 Determination of hazard; notice
 - Sec. 11-1-90 Notice to property owner
 - Sec. 11-1-100 Failure to comply with notice
 - Sec. 11-1-110 Assessment of costs
 - Sec. 11-1-120 Liability of owner
 - Sec. 11-1-130 Penalty
- Article II Construction Work in Public Right-of-Way**
- Sec. 11-2-10 Purpose
 - Sec. 11-2-20 Definitions
 - Sec. 11-2-30 Applicability and exceptions
 - Sec. 11-2-40 Permits required
 - Sec. 11-2-50 Form of permit
 - Sec. 11-2-60 Administrative Regulations authorized
 - Sec. 11-2-70 Fees, charges and administrative penalties
- Article III Encroachments**
- Sec. 11-3-10 Unlawful obstructions
 - Sec. 11-3-20 Maintenance of walkways required for obstructed sidewalks
 - Sec. 11-3-30 Ditches to be bridged
 - Sec. 11-3-40 Excavations and other dangerous places to be fenced
 - Sec. 11-3-50 Permit required for flags and banners
- Article IV Regulations for Use of Chase Gulch Reservoir**
- Sec. 11-4-10 General
 - Sec. 11-4-20 Definition
 - Sec. 11-4-30 General Chase Gulch Reservoir regulations
 - Sec. 11-4-40 Boating and fishing regulations
 - Sec. 11-4-50 Penalty
- Article V Special Events and Demonstrations**
- Sec. 11-5-10 Purpose
 - Sec. 11-5-20 Definitions
 - Sec. 11-5-30 Permit required; exemptions
 - Sec. 11-5-40 Application procedure; fee
 - Sec. 11-5-50 Action on application
 - Sec. 11-5-60 Grounds for denial of application
 - Sec. 11-5-70 Permit conditions
 - Sec. 11-5-80 Appeal procedure
 - Sec. 11-5-90 Permit issuance
 - Sec. 11-5-100 Indemnification agreement
 - Sec. 11-5-110 Duties of permittee

Sec. 11-5-120 Revocation of permit
Sec. 11-5-130 Violations and penalty

ARTICLE I

Sidewalks

Sec. 11-1-10. Definition.

As used in this Article, the term *sidewalk* means that portion of a street between the curb lines, or the lateral lines of a roadway and the adjacent property lines, or any streetscape located within the City, intended for the use of pedestrians. (Ord. 11-13 §1, 2011)

Sec. 11-1-20. Duty to keep sidewalks clear of snow and ice.

Every person in charge of or in control of any building or lot of land within the City fronting or abutting on a sidewalk, whether as owner, tenant, occupant or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from the portion of any sidewalk that fronts or abuts any building or lot of land within six (6) hours after the cessation of any snowfall. In the event that ice is present on the sidewalk which cannot be safely removed without damaging the sidewalk, the person charged with the snow removal shall put sand or other abrasive material on the sidewalk to make travel thereon reasonably safe and shall clean such sand or abrasive material from the sidewalk as soon as weather permits. (Ord. 11-13 §1, 2011)

Sec. 11-1-30. Deposit of snow and ice in public roadway.

It is a civil infraction to remove any snow or ice from any parking lot, private road or private driveway and deposit or dump the same upon or into any public street, road or highway. (Ord. 11-13 §1, 2011)

Sec. 11-1-40. Civil liability for noncompliance.

In the event that the failure to comply with the provisions of this Article results in personal injury, the person or entity responsible for compliance shall be liable for any resulting injuries. Any civil liability for injuries caused by the failure to remove snow or ice, or otherwise the failure to comply with this Article, shall be imposed upon the person or entity responsible for compliance and not upon the City. (Ord. 11-13 §1, 2011)

Sec. 11-1-50. Construction required; permit.

It is a civil infraction for any person to lay out, construct or reconstruct any sidewalk, curb or gutter without first obtaining a permit therefor. (Ord. 11-13 §1, 2011)

Sec. 11-1-60. Application for permit; designation of grade and line.

(a) Application for the permit required shall be made to the Director of Public Works on a form furnished for that purpose.

(b) Before any construction or reconstruction is commenced, the Director of Public Works shall designate the grade upon which, and the line or location at which, the sidewalk, curb or gutter shall be constructed. (Ord. 11-13 §1, 2011)

Sec. 11-1-70. Specifications.

All sidewalks, curbs and gutters which are constructed or reconstructed shall be constructed or reconstructed in accordance with the specifications, standards, rules and requirements for such work as adopted by the City Council and as set forth in the Administrative Regulations promulgated by the Director of Public Works pursuant to Article II of this Chapter. (Ord. 11-13 §1, 2011)

Sec. 11-1-80. Determination of hazard; notice.

When the Director of Public Works determines that a sidewalk's condition is such that it presents a hazard to members of the public or is otherwise in a state of disrepair, a notice to repair the sidewalk shall be sent to the owner or agent in charge of the property adjacent to or abutting the sidewalk. (Ord. 11-13 §1, 2011)

Sec. 11-1-90. Notice to property owner.

(a) Service of the notice provided in Section 11-1-80 above shall be made by either serving such notice on the person named in the notice, or sending such notice by first-class mail to the residence or place of business of the person named in the notice and posting such notice in a conspicuous place on the property abutting or adjacent to the subject sidewalk. If the notice is served on other than the owner of the property adjacent to or abutting the subject sidewalk, a copy of the notice shall also be mailed to the owner at the address contained in the records of the County Assessor.

(b) Any notice issued under Section 11-1-80 above shall contain:

- (1) A description of the required construction, reconstruction or repairs;
- (2) A statement of the condition of the sidewalk that constitutes the hazard or requires repair;
- (3) A statement advising of the right to an administrative hearing to appeal the notice to the City Manager if requested within thirty (30) days;
- (4) A requirement that compliance shall be made within forty-five (45) days from the date of issuance of the notice; and
- (5) A statement that failure to make the repairs within the forty-five-day period shall be unlawful and the failure to comply with the notice may result in work being done by the City at the expense of the party to whom the notice is issued. (Ord. 11-13 §1, 2011)

Sec. 11-1-100. Failure to comply with notice.

If the person to whom the notice is directed pursuant to this Article fails to comply within the time specified in the notice, the Director of Public Works may, in his or her discretion, order the construction, reconstruction or repair of the sidewalk by or on behalf of the City, and the procedures outlined in this Article for collection of costs and expenses shall apply in addition to the penalties provided by this Article. (Ord. 11-13 §1, 2011)

Sec. 11-1-110. Assessment of costs.

(a) When work has been performed pursuant to this Article, the Public Works Director shall bill any or all owners, occupants, lessees or holders of legal or equitable interest for the costs and expenses necessary to repair the sidewalk.

(b) If the owner, occupant, lessee or holder of legal or equitable interest of or in the property shall fail within thirty (30) days after billing to pay the costs and expenses of work by the City, such costs and expenses may be collected by the City in a civil action or assessed and filed as a lien against the property.

(c) If the costs of construction, reconstruction or repair have not been otherwise collected, the Finance Director shall prepare a statement enumerating the actual costs plus fifteen percent (15%) of the costs for inspection and other additional administrative costs. The costs enumerated in this statement shall be a first and prior lien upon the property relating back to the date upon which the construction, reconstruction or repair was performed by the City. A copy of this statement shall be deposited in the United States mail or personally hand-delivered to the owner. The owner may request a hearing before the City Manager to contest the amount of the costs. Such request must be made in writing and be filed with the City Manager within thirty (30) days of the date of mailing or service of the first statement to the owner. If a hearing is properly requested and scheduled, the owner shall be given at least two (2) weeks' written notice of the date, time and place of any hearing scheduled before the City Manager. The decision of the City Manager shall be final. If the statement remains unpaid, the amount shall be certified by the Finance Director to the County Treasurer. The County Treasurer, upon receipt of the certified statement, is hereby authorized to place the amount upon the tax list for the current year and to collect that amount in the same manner taxes are collected with a ten-percent penalty thereon. (Ord. 11-13 §1, 2011)

Sec. 11-1-120. Liability of owner.

In the event that an owner or occupant fails to comply with the terms of this Article or otherwise permits a sidewalk to become hazardous or in a state of disrepair, the owner or occupant shall be liable for any resulting injuries. Any civil liability for injuries caused by the condition of the sidewalk or the failure to comply with this Article shall be imposed solely upon the owner or occupant and not upon the City. (Ord. 11-13 §1, 2011)

Sec. 11-1-130. Penalty.

Failure to comply with the terms of this Article shall constitute a civil infraction. Any person who is found guilty of, or pleads guilty or nolo contendere to the commission of, the civil infraction shall be subject to a civil penalty as set forth in Section 1-4-20 of this Code. The penalties specified in this Section shall be cumulative, and nothing shall be construed as either prohibiting or limiting the City from pursuing such other remedies or penalties in an action at law or equity. (Ord. 11-13 §1, 2011)

ARTICLE II

Construction Work in Public Right-of-Way

Sec. 11-2-10. Purpose.

The purpose of this Article is to establish standards and procedures to ensure that persons who engage in construction or maintenance activities within the public rights-of-way that impact the free flow of traffic and that cut or excavate public streets which are under the jurisdiction of the City have the knowledge, competence and financial resources needed to perform the work and are held accountable for the work for which they are permitted. (Ord. 11-13 §2, 2011)

Sec. 11-2-20. Definitions.

As used in this Article, the following words and phrases are defined as follows:

Administrative Regulations shall mean the conditions, standards, rules and requirements for the performance of work in a public right-of-way promulgated by the Director of Public Works as authorized by this Article.

Contractor shall mean any person, corporation, company, agency, government, special district, school district, quasi-governmental agency or entity performing work within a public right-of-way under the jurisdiction of the City. (Ord. 11-13 §2, 2011)

Sec. 11-2-30. Applicability and exceptions.

(a) This Article and the Administrative Regulations promulgated in accordance with this Article shall apply to all persons seeking to work within a public right-of-way under the jurisdiction of the City. Such persons include, but are not limited to, the State and its departments and agencies, counties, municipalities, special districts, school districts, governmental and quasi-governmental agencies and public utilities, notwithstanding any exemption or exception from local approvals or requirements as may be otherwise recognized by state law, including but not limited to any provision of Article 23 of Title 31, C.R.S. and specifically including Section 31-23-209, C.R.S., unless such exemption is expressly applicable to home rule municipalities.

(b) The following work shall not be subject to this Article and may be performed without application for or issuance of a permit in accordance with this Article:

(1) Work performed by the City and its municipal departments.

(2) Contractors performing work in accordance with a written agreement with the City to provide for, maintain or repair City roads, streets, highways, traffic control devices or other City property.

(3) Work performed by a contractor under written agreement with the City which expressly provides that a permit need not be obtained for work performed within City rights-of-way. (Ord. 11-13 §2, 2011)

Sec. 11-2-40. Permits required.

(a) It shall be unlawful and a violation of this Code for any person or contractor to engage in construction or maintenance work in a public right-of-way of the City without having first procured the proper permit or license from the Director of Public Works.

(b) It shall be unlawful and a violation of this Code for any person or contractor to violate the Administrative Regulations.

(c) It shall be unlawful and a violation of this Code for any person or contractor who fails to immediately cease work within a public right-of-way upon receipt or notice of a stop work order or other form of demand issued or made by the City or at the direction of the City, except to the extent such order or demand specifies that work may be undertaken to secure the work area or to prevent or warn of unsafe or hazardous conditions. (Ord. 11-13 §2, 2011)

Sec. 11-2-50. Form of permit.

(a) In addition to any other language or provisions deemed necessary or desirable by the Director of Public Works to evidence authorization to commence work in the public right-of-way, each permit shall contain the following language above a signature line for the contractor:

"The holder of this permit agrees to and shall comply with all provisions contained in Chapter 11 of the City of Central's Municipal Code and Administrative Regulations promulgated pursuant to such Code. The holder has obtained and reviewed a copy of the Administrative Regulations."

(b) No permit shall be effective unless and until it is executed by the contractor and bears the approval of the Department of Public Works. (Ord. 11-13 §2, 2011)

Sec. 11-2-60. Administrative Regulations authorized.

(a) The Director of Public Works, subject to the approval of the City Manager, shall promulgate and publish Administrative Regulations (including forms, applications, rules, requirements, directives and interpretations) to implement this Article and to establish a permitting and regulatory program for work in a public right-of-way. Such Administrative Regulations shall not be inconsistent with the provisions of this Article. Administrative Regulations promulgated by the Director shall be made available to any requesting party for a reasonable charge not to exceed the actual cost of printing and publication.

(b) The Administrative Regulations and the permitting and regulatory program for work in a public right-of-way shall provide, at a minimum, for the following:

(1) An application sufficient to identify the contractor, contractor contact information, the scope, detailed description, extent of all work and valuation of materials and supplies.

(2) A permit classification program whereby different forms or types of permits may be required to comply with different requirements appropriate to that class of permit.

(3) The obligation that all contractors and subcontractors performing work under a permit be licensed to perform work within the City.

(4) The obligation that all contractors seeking permits post and maintain, during the term of any permit, a letter of credit, cashier's check or other form of performance guarantee in a form approved by the City equal to one hundred twenty-five percent (125%) of the estimated value of the work to be completed under the permit, or twenty thousand dollars (\$20,000.00), whichever is greater.

(5) Fees and charges to be paid by the contractor for issuance of permits to reasonably recover the direct and indirect costs of the City in managing its rights-of-way and administrating this Article and the Administrative Regulations.

(6) Fees and charges to be paid by the contractor for issuance of permits which reasonably address the acceleration of degradation to existing street surfaces caused by and resulting from street cutting and disruption.

(7) Fees and charges to be paid by the contractor for issuance of permits which reasonably recover or address the expense and impact resulting from lane closures and rerouting of vehicles, including disruption in traffic light timing, traffic management, accidents and public inconvenience resulting from activities within the public right-of-way;

(8) Conditions, requirements and standards imposed on permits to enable the City to monitor and manage work within the public right-of-way, protect the safety of the public through appropriate and accepted techniques to close roads and route traffic, including but not limited to establishing hours of permitted operation, inspection and reporting requirements and compliance with accepted or adopted manuals and specifications for traffic control devices and traffic management.

(9) Conditions, requirements and standards imposed on permits to ensure compliance with appropriate and accepted methods of construction, including but not limited to construction techniques, material quantities and quality, trenching and compaction requirements and standards, pavement replacement, and surface restoration.

(10) A process and procedures to enforce compliance with the Administrative Regulations including but not limited to issuance of stop work orders, demands for compliance, revocation of permits, revocation of licenses and administrative penalties for noncompliance. (Ord. 11-13 §2, 2011)

Sec. 11-2-70. Fees, charges and administrative penalties.

The Director of Public Works, with the approval of the City Manager, may administratively establish and impose, and may modify as necessary, fees, charges and administrative penalties necessary to administer this Article and the Administrative Regulations promulgated in accordance with this Article as needed, to both recover direct and indirect costs of the City in administering this Article and ensure ongoing and continued compliance and enforcement of the Article and Administrative Regulations. A written schedule of fees, charges and penalties shall be conspicuously posted at the location where such permits are processed or issued, and such posted schedule shall be binding for all applications. No modification in fees, charges or penalties shall be made without first posting notice of such modification not less than ten (10) business days prior to the effective date of

such modification. Waivers and exemptions from fees, charges and penalties shall be authorized in writing only by the City Manager upon good cause shown. (Ord. 11-13 §2, 2011)

ARTICLE III

Encroachments

Sec. 11-3-10. Unlawful obstructions.

Except as otherwise provided in Articles I and II of this Chapter, it shall be unlawful for any person to obstruct a street or sidewalk with any debris, lumber, sand, gravel, dirt, abandoned or wrecked automobile, or other material or substance without first obtaining a permit from the City Manager. Such permit may be granted only where the obstruction is necessary for the construction, alteration or repair of the adjoining property, and such permitted obstructions shall be limited to as short a time as is reasonably possible. Each day that an unlawful obstruction is permitted to exist shall constitute a separate and distinct offense. (Prior code 11-111)

Sec. 11-3-20. Maintenance of walkways required for obstructed sidewalks.

Whenever, in the construction, rebuilding or repairing of any building, it becomes necessary to blockade, obstruct or remove the sidewalk, the person in charge of such work shall build and maintain a good and substantial walkway around the obstructed portion of such sidewalk, to be approved by the City Manager. This provision may be waived by the City Manager. (Prior code 11-112)

Sec. 11-3-30. Ditches to be bridged.

Any person owning or constructing any ditch, race, drain or flume in, upon or across any public street within the City shall keep the same open for safe and convenient travel by constructing bridges over the same. Such bridges shall be of substantial construction and shall cover the full width of the street; and, after such construction, the owner thereof shall keep the same in good condition and repair. (Prior code 11-113)

Sec. 11-3-40. Excavations and other dangerous places to be fenced.

All holes, depressions, excavations or other dangerous places within the City that are below the natural or artificial grades of the surrounding or adjacent highway or street shall be properly enclosed with fences or walls, or filled up so as to prevent persons and animals from falling into them. The City Manager shall notify the owner or occupant of premises on which such dangerous places exist to cause fences or walls to be built around them or to cause the same to be filled up. It shall be unlawful for any owner or occupant so notified to fail to comply with such notification forthwith. (Prior code 11-114)

Sec. 11-3-50. Permit required for flags and banners.

It shall be unlawful for any person to place or cause to be placed across or above any street in the City any flag, banner or similar sign or symbol without first obtaining a proper sign permit from the City. A sign permit may be issued upon written application showing that the desired sign is to be

displayed in connection with a national, state or local celebration or holiday. Political advertisements or banners are prohibited under this Section. (Prior code 11-115)

ARTICLE IV

Regulations for Use of Chase Gulch Reservoir

Sec. 11-4-10. General.

The City of Central wants Chase Gulch Reservoir and its surrounding property to be an enjoyable and safe recreational setting. The City of Central also desires that the water of Chase Gulch Reservoir remain suitable for provision of drinking water. In order to ensure that these goals are realized and these regulations are enforced, any violators may be cited and held civilly liable under the provisions of Section 1-4-20 of this Code. (Prior code 11-131)

Sec. 11-4-20. Definition.

Chase Gulch Reservoir means the Chase Gulch Reservoir itself, plus the surrounding City owned land. (Prior code 11-132)

Sec. 11-4-30. General Chase Gulch Reservoir regulations.

(a) Chase Gulch Reservoir shall be open to the public subject to the permit requirements set forth in Paragraph (1) below. Nonresidents of the County shall be required to obtain a permit issued by the City prior to use of the Reservoir.

(1) For the purposes of this Article, *County residents* shall be defined as follows:

a. Any person who is a bona fide year-round resident in Central City, Black Hawk or unincorporated Gilpin County.

b. Renters of residential units located in Central City, Black Hawk or unincorporated Gilpin County.

(2) For the purposes of this Article, a *temporary guest* shall be defined as follows:

a. A person who stays at a hotel, bed and breakfast, recreational vehicle facility or other temporary lodging located within Gilpin County.

b. A part-time or seasonal resident who resides in Central City, Black Hawk or unincorporated Gilpin County for a period of three (3) months or less.

(b) No alcoholic beverages are allowed at Chase Gulch Reservoir.

(c) No littering is allowed; all trash must be taken out or placed in the trash receptacles provided.

(d) No swimming, wading or body contact with the water is allowed, other than incidental contact when launching or retrieving boats.

- (e) No fires are allowed, except in designated fireplaces.
- (f) No washing of clothes, dishes, persons or anything else in the Reservoir is allowed.
- (g) No trespassing on wetlands, dam, or any other designated no trespassing areas is allowed.
- (h) No overnight camping is allowed.
- (i) Motor vehicles must stay on roads or designated parking areas only and must display a current permit sticker or guest permit. Only cartable vessels and hand trailers are permitted, including sail boats. No vehicle or trailer shall be permitted in the water.
- (j) No defecating or urinating in Chase Gulch Reservoir is allowed except in designated bathroom facilities.
- (k) No ice fishing or going on the ice for any purpose is allowed.
- (l) Permit requirements. Use of Chase Gulch Reservoir by non-County residents shall be by permit.
 - (1) County residents and temporary guests, as defined above, are exempt from obtaining a permit.
 - (2) Users of the Reservoir other than County residents and temporary guests shall obtain a permit and pay a permit fee in an amount adopted by resolution of the City Council.
- (m) Use of gas motor boats is prohibited. Motors for propulsion must be electric and secured to the vessel. All inflatable vessels and float tubes must be multi-chambered. Coast Guard-approved personal floatation devices are required for all vessels and shall be sufficient in number for use by each occupant.
- (n) Sail boarding is permitted, provided that sailboarders wear full-body wetsuits. (Prior code 11-133; Ord. 11-13 §3, 2011)

Sec. 11-4-40. Boating and fishing regulations.

Boating and fishing regulations for Chase Gulch Reservoir shall be set by resolution of the City Council. (Prior code 11-134)

Sec. 11-4-50. Penalty.

Any person failing to comply with this Article shall be subject to the fines and penalties as set forth in Section 1-4-20 of this Code. (Prior code 11-135; Ord. 11-13 §3, 2011)

ARTICLE V

Special Events and Demonstrations

Sec. 11-5-10. Purpose.

This Article establishes the standards for the issuance of a permit for special events and demonstrations in the City. (Prior code 11-151)

Sec. 11-5-20. Definitions.

As used herein, the following terms shall have the meaning indicated:

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

Block party shall mean a festive gathering on a residential street requiring the closure of a street or a portion thereof to vehicular traffic and use of the street for the festivity, including barbecues, picnics, music or games.

Coordinator shall mean the City Manager or his or her assignee to oversee and coordinate the permit program contemplated by this Article.

Demonstration shall mean a rally, picketing, speechmaking, marching, vigil, religious services or any other similar gathering or parade that primarily involves the communication or expression of views or grievances, engaged in by more than one (1) person, that occurs on a street or highway, including sidewalks, on a publicly owned outdoor mall or plaza, or on other property owned or leased by the City, which demonstration does not comply with traffic laws and controls or which may, in the judgment of the Coordinator (which may be based on consultation with City law enforcement, public works or executive staff), 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 public or participants in the demonstration or other persons.

Event shall mean all demonstrations and special events for which permits have been applied for or given.

Parade shall mean a march or procession consisting of persons, animals or vehicles, or combination thereof, on any street or highway, including sidewalks, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws or controls.

Permit or event permit shall mean a permit issued for either a demonstration or special event.

Permittee shall mean any person or organization that has been issued an event permit by the Coordinator.

Special event shall mean a parade, athletic contest, street fair, art and craft show, carnival, block party, soap box derby or other outdoor event which is not a demonstration as defined in this Section, that occurs on a street or highway, including sidewalks, on a publicly owned outdoor mall or plaza or on other property owned or leased by the City, which event does not comply with traffic laws and controls or which may, in the judgment of the Coordinator (which may be based on consultation with City law enforcement, public works or executive staff), 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 public or participants in the event or other persons.

Street or *highway* is the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel; or the entire width of every way declared to be a public street or highway by any law of the State. The terms *street* and *highway* are synonymous and interchangeable and include bike and pedestrian lanes or paths. (Prior code 11-152)

Sec. 11-5-30. Permit required; exemptions.

Any person desiring to conduct an event or demonstration in the City shall first obtain a permit from the Coordinator; provided, however, that an event permit shall not be required for the following:

(1) Events that do not involve the closure of any streets or sidewalks that are normally open to the public. All events that do involve the closure of such streets or sidewalks shall be reviewed by the Coordinator and shall be subject to the permit requirements of this Article, but only with regard to that portion of the event which occurs upon or affects the streets or sidewalks.

(2) Parades involving a total of twenty (20) or fewer pedestrians marching along a route that is restricted to sidewalks and which cross streets only at pedestrian crosswalks in accordance with traffic regulations and controls; pedestrians participating in such parades shall cross streets in groups of ten (10) people or less and shall allow vehicles to pass between each group.

(3) Funeral processions. (Prior code 11-153)

Sec. 11-5-40. Application procedure; fee.

(a) Any person desiring to sponsor an event not exempted by Section 11-5-30 above shall apply for an event permit by filing a verified application with the Coordinator on a form adopted and supplied by the Coordinator. Applications must be submitted not less than fifteen (15) business days nor more than one (1) year before the event date. If the applicant desires to serve or sell alcohol or malt beverages, applications for liquor licenses required, if any, must be filed in advance of the event date in accordance with the liquor code, regulations and rules.

(b) The application for a permit shall be accompanied by a nonrefundable permit application fee in an amount set by the City Manager. The fee shall cover, but not exceed, the full cost of processing and investigating such permit application and administering the permit program. No permit application fee shall be charged to organizations qualified for exemption from the payment of City sales and use taxes as a governmental entity or religious or charitable corporation. (Prior code 11-154)

Sec. 11-5-50. Action on application.

The Coordinator shall approve, conditionally approve or deny an application on the grounds specified in Section 11-5-60 below. Such action shall be taken no later than ten (10) business days after receiving a completed application and fee, if applicable. If the application is denied or conditionally approved, the Coordinator shall inform the applicant in writing of the grounds for denial or the conditions on the permit and the applicant's right of appeal. (Prior code 11-155)

Sec. 11-5-60. Grounds for denial of application.

(a) The Coordinator shall approve an application for an event permit unless he or she determines, from a consideration of the application and other pertinent information, that:

(1) Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material detail;

(2) The applicant fails to complete the application form after having been notified of the additional information or documents required;

(3) Another event permit or application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the Sheriff's Department is unable to meet the needs for law enforcement services for both events;

(4) 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 street or highway;

(5) The size, nature or location of the event will present a substantial risk to the health or safety of the public or participants in the event or other persons;

(6) The size of the event will require diversion of so great a number of law enforcement officers of the City to ensure that participants stay within the boundaries or route of the event, or to protect participants in the event, as to prevent normal protection to the rest of the City, although nothing herein authorizes denial of a permit 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 law enforcement officers available to police the event;

(7) The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the City streets;

(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;

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

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

(b) When the grounds for denial of an application for permit specified in Paragraphs (a)(3) through (a)(9) above can be corrected by altering the date, time, duration, route or location of the event, the Coordinator may, 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 necessary to achieve compliance with said Paragraphs. (Prior code 11-156)

Sec. 11-5-70. Permit conditions.

The Coordinator 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 include, but are not limited to, the following:

- (1) Alteration of the date, time, route or location of the event;
- (2) Conditions concerning the area of assembly and disbanding of parades or other events occurring along a route;
- (3) Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street;
- (4) Requirements for the use of traffic cones, barricades or other traffic-control devices or personnel to be provided, placed and removed by the permittee at his or her expense;
- (5) Requirements for provision of first aid or sanitary facilities;
- (6) Requirements for arrangement of supplemental fire protection personnel to be present at the event at the permittee's expense;
- (7) Requirements that the permittee contract with the Police Department personnel to be present at the event at the permittee's expense to provide traffic control and safety services, crowd control and safety services and other law enforcement services;
- (8) Requirements for use of event monitors and providing notice of permit conditions to event participants;
- (9) Restrictions on the number and type of vehicles, animals or structures at the event and inspection and approval of floats, structures and decorated vehicles for fire safety by the fire protection district in whose jurisdiction the event is scheduled to occur;
- (10) Requirements for use of garbage containers, cleanup and restoration of City property, including a cleanup deposit;
- (11) Restrictions on use of amplified sound;
- (12) A requirement that an event permit to conduct a block party may be conditioned on the giving of notice to the residents of dwellings along the affected streets;

(13) A requirement for public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event; and/or

(14) Compliance with any relevant law and obtaining any legally required permit or license. (Prior code 11-157)

Sec. 11-5-80. Appeal procedure.

The applicant shall have the right to appeal the denial of a permit or a permit condition. A notice of appeal shall be filed with the City Clerk setting forth the grounds for the appeal within five (5) business days after mailing or personal delivery of a notice of denial or permit condition. The City Clerk shall schedule a hearing before the City Council to consider the appeal no later than thirty (30) business days after the filing of the appeal. In the event that a notice of appeal is filed in accordance herewith but fewer than thirty (30) business days prior to the requested date for an event for which a permit has been denied, the City Council shall make reasonable efforts to hold a hearing and issue a decision at the next regularly scheduled Council meeting following the filing of the appeal. The City Council's decision shall be final, subject only to such judicial review as may be permitted by law. (Prior code 11-158)

Sec. 11-5-90. Permit issuance.

If, after review of the criteria contained in Section 11-5-70 above, the Coordinator determines that a permit should be granted, the Coordinator shall issue the event permit once the applicant has agreed in writing to comply with all terms and conditions of the permit and has complied with all sections of this Article. (Prior code 11-159)

Sec. 11-5-100. Indemnification agreement.

Prior to the issuance of an event permit, the Coordinator shall require the applicant and authorized officer of the sponsoring organization (if any) to sign an agreement for the permittee to reimburse the City for any costs incurred by it in repairing damage to City property occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents or any person who was under the permittee's control. The agreement shall also provide that the permittee shall defend the City against, and indemnify and hold the City harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents or any person who was under the permittee's control. Persons who merely join in an event are not considered by that reason alone to be "under the control" of the permittee. (Prior code 11-160)

Sec. 11-5-110. Duties of permittee.

(a) The permittee shall comply with all terms and conditions of the special event permit.

(b) The permittee shall ensure that the person leading a parade or other event along a route, or the person in charge of any other event, is familiar with all the provisions of the permit and carries the event permit on his or her person for the duration of the event.

(c) The permittee shall ensure that the area used for the event is cleaned and restored to the same condition as existed prior to the event, immediately following the completion of the event. (Prior code 11-161)

Sec. 11-5-120. Revocation of permit.

(a) The Coordinator 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 Coordinator may revoke or terminate the permit during the course of the event if continuation of the event presents a clear and present danger to the participants or the public. (Prior code 11-162)

Sec. 11-5-130. Violations and penalty.

(a) It is unlawful for any person to sponsor or conduct a parade, athletic event, other special event or demonstration requiring an 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 parade, athletic event or other special event.

(c) The event permit authorizes the permittee to conduct only such event as is described in the permit in accordance with the terms and conditions of the permit. It is unlawful for the permittee to knowingly violate the terms and conditions of the permit, or for any event participant with knowledge thereof to knowingly violate the terms and conditions of the permit.

(d) Any person who violates this Article, upon conviction thereof, shall be punished in accordance with Section 1-4-20 of this Code. (Prior code 11-163)