



TOWN BOARD WORK SESSION

March 6, 2023 - 5:30 PM

1st Floor Conference Room, 301 Walnut Street, Windsor, CO 80550

To view Town Board meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

AGENDA

GOAL of this Work Session is to have the Town Board receive information on topics of Town business from the Town Manager, Town Attorney and Town staff in order to exchange ideas and opinions regarding these topics.

Members of the Public in attendance are asked to be recognized by the Mayor before participating in any discussions of the Town Board

WORK SESSION AGENDA ITEMS

1. Windsor Town App Presentation - R. Lampe, Digital Media Coordinator; K. Overholt, Communications Manager
2. Municipal Court Update - T. Ablao, Municipal Judge
Liquor Update - T. Ablao, Local Licensing Authority
3. Liquor Special Events Permits Ordinance Discussion - K. Emil, Interim Town Attorney
4. Future Meetings Agenda

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.



MEMORANDUM

Date: March 6, 2023
To: Mayor and Town Board
From: Kim Emil, Interim Town Attorney
Re: Liquor Special Events Permits Ordinance Discussion - K. Emil, Interim Town Attorney
Item #: 3.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 3.1.23 DRAFT Special Events Permit Ordinance
2. 2.28.23 DRAFT SAPs Ordinance

TOWN OF WINDSOR
ORDINANCE NO. 2023– [##]

AN ORDINANCE REPEALING AND REPLACING ARTICLE II, CHAPTER 6, OF THE *WINDSOR MUNICIPAL CODE* CONCERNING SPECIAL EVENT LIQUOR PERMITS AND CREATING ARTICLE VI CONCERNING FESTIVAL PERMITS AND CREATING ARTICLE VII CONCERNING COMMUNAL OUTDOOR DINING IN THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality, with all powers and authority vested under Colorado law; and

WHEREAS, Chapter 6 of the *Windsor Municipal Code* (“Code”) currently addresses Business Regulations concerning Alcoholic Beverages and Special Event Permits, among other matters; and

WHEREAS, the term “special event permits” is legislatively intended to address the special event liquor permits, pursuant to Article 5, Title 44 of the Colorado Revised Statutes (“C.R.S.”); and

WHEREAS, with the growth of the Town, and the increased requests for alcohol or liquor-related special events permits, it is now necessary to separate the events that do not involve alcohol or liquor, so that it is clear the Local Licensing Authority controls all aspects of the alcohol or liquor-related special events; and

WHEREAS, this Ordinance addresses all Special Events within the Town where liquor or alcohol will be served, and will be retitled “Special Event Liquor Permits”; and

WHEREAS, the Town is authorized pursuant to C.R.S § 44-3-404(b)(I) to create a local permit for festivals, excluding wine; and

WHEREAS, in the interest of public health, safety and welfare, the Town desires to have any applicable festival permitting be subject to the requirements of the Local Licensing Authority; and

WHEREAS, the Town Board finds that adoption of this Ordinance is necessary for the preservation of public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

Section 1. Chapter 6, Article II of the *Windsor Municipal Code* is hereby repealed and replaced and shall read as follows:

ARTICLE II – SPECIAL EVENT LIQUOR PERMITS

Sec. 6-2-10. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Authority means the Local Licensing Authority, or the Town Clerk or designee, if acting with administrative authority pursuant to Article 1 of this Chapter.

Permittee means any person or organization issued a Special Event Liquor Permit by the Authority.

Special event means a parade, athletic contest, festival, or other outdoor event requiring temporary closure of streets, roads, highways, sidewalks or bike and pedestrian lanes or paths that are normally open to the public, or the changing, restricting, or adapting of the normal traffic uses of any street, road, or highway in the Town, that will be serving alcohol in relation to such permitted event.

Special event liquor permit means a permit issued for a liquor or alcohol related special event.

Street or *highway* has the same meaning as defined in the Model Traffic Code and other ordinances appearing in this Code and shall include bike and pedestrian lanes or paths.

Town clerk means the Town Clerk of the Town of Windsor, or such person as may be designated by the Town Clerk to perform the functions and duties required by this Article.

Sec. 6-2-20. Special Event Liquor Permit applications; approval and issuance procedure.

- (a) The Authority shall grant or refuse applications for special event permits, without notification to the State Licensing Authority for the state authority's approval or disapproval of said permits in accordance with C.R.S. § 44-5-101 et seq. as amended from time to time.
- (b) The Authority shall report to the State Licensing Authority within ten (10) days after it issues a permit, the name of the organization to which the permit was issued, the address of the permitted location and the permitted dates of alcohol beverage service.
- (c) The Authority shall promptly act upon each application and either approve or disapprove each application for a Special Event Liquor Permit.

Sec. 6-2-30. Permit required.

Any person or organization desiring to conduct a special event involving liquor or alcohol shall first obtain a Special Event Liquor Permit from the Town Clerk.

Sec. 6-2-40. Application procedure and fee.

- (a) Any person or organization desiring to conduct a special event shall apply for a Special Event Liquor Permit by verified application with the Town Clerk, on a form supplied by the Authority. Complete applications and payment of the fee must be received by the Authority not less than ninety (90) days nor more than one (1) year before the special event date.
- (b) The application for a Special Event Liquor Permit shall be accompanied by a nonrefundable application fee in an amount set by the Town Manager. The fee shall cover, but shall not exceed, the full cost of processing and investigating such special event permit application, and the cost of administering the Special Event Permit program.
- (c) Within ten (10) business days after receiving a completed application and fee, if applicable, the Town Clerk shall:

- (i) Approve,
- (ii) Conditionally approve,
- (iii) Deny an application for the reasons specified in Section 6-2-50 below, or
- (iv) Place the matter on the Local Licensing Authority Agenda at the next regularly scheduled Liquor Hearing unless the Agenda has already been published, in which case it shall be set on the following regularly scheduled Hearing date.

Sec. 6-2-50. Grounds for denial of application.

The Authority shall deny an application for a Special Event Liquor Permit if it is determined from consideration of the application and other pertinent information that:

- (1) The special event does not plan to serve alcohol or liquor; or
- (2) The special event is not within the jurisdiction Town limits; or
- (3) The permittee fails to submit a complete application form or pay the required fee after having been notified of the additional requirements; or
- (4) Another Special Event Liquor Permit or application has been received prior in time, or has already been approved, to hold another special event at the same time and place requested by the permittee, or so close in time and place as to cause undue traffic congestion; or
- (5) The time, route or size of the special 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 at a time when it is usually subject to traffic congestion; or
- (6) The size, nature or location of the special event will present a substantial risk to the health or safety of the public, participants in the event or other persons; or
- (7) The location of the special event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the Town streets or a previously granted encroachment permit; or
- (8) The special event will occur at a time when a school is in session on a route or at a location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class; or
- (9) The special event involves the use of hazardous, combustible, or flammable materials which could create a fire hazard; or
- (10) The special event will violate an ordinance or statute; or
- (11) Information contained in the application, or supplemental information requested from the permittee, is found to be false in any material detail.
- (12) The special event is a parade.

- (13) No Special Event Liquor Permit shall be issued to any organization or permittee for more than fifteen (15) days in one (1) calendar year.

Sec. 6-2-60. Permit conditions and requirements.

The Authority may condition the issuance of a special event permit by imposing conditions and requirements, including but not limited to the following:

- (1) Approval of any other jurisdiction in addition to the Town that may be part of the proposed special event.
- (2) Approval of the special event by the Town's Public Services Departments.
- (3) Approval of a traffic control plan by the Public Services Department, Community Development Department, Police Department and the Authority.
- (4) All required traffic control shall be done at the permittee's expense.
- (5) A written operational plan regarding the management of the special event.
- (6) Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the special event to only a portion of a street or highway.
- (7) Requirements for the use of traffic cones, barricades, or other traffic-control devices to be provided, placed and removed by the permittee at its expense.
- (8) Requirements for provision of first aid or sanitary facilities.
- (9) Requirements for arrangement of supplemental fire protection and emergency medical services personnel to be present at the special event at the permittee's expense.
- (10) Requirements for use of special event monitors and providing notice of permit conditions to event participants and affected property owners.
- (11) Restrictions on the number and type of vehicles as may be required for fire safety by the Windsor-Severance Fire Protection District.
- (12) Requirements for use of garbage containers, cleanup, and restoration of Town property.
- (13) Restrictions on the use of amplified sound.
- (14) Requirements for public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and/or property damage arising from the special event. The Authority shall determine whether to require such insurance and the amount of any required insurance.
- (15) Requirements for security arrangements with the Windsor Police Department pursuant to Windsor Police Department policy and rates.
- (16) Conditions, requirements and restrictions, pursuant to Chapters 6 and 16 of the *Windsor Municipal Code* on the use of mobile food vendors.

Sec. 6-2-70. Appeal procedure.

Appeals are governed by C.R.S. § 44-3-801, et. seq.

Sec. 6-2-80. Permit issuance.

If the Authority determines that a permit should be granted, the Authority shall issue the Special Event Liquor Permit once the permittee has agreed in writing to comply with all terms and conditions of this Article.

Sec. 6-2-90. Indemnification.

Prior to the issuance of a Special Event Liquor Permit, the Authority shall require the permittee and authorized officer of the sponsoring organization (if any) to sign an agreement for the permittee to reimburse the Town for any cost incurred by it in repairing damage to Town property occurring in connection with the permitted special event and 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 Town against, and indemnify and hold the Town harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the permitted special event and 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 a special event are not considered by that reason alone to be "under the control" of the permittee.

Sec. 6-2-100. Duties of permittee.

- (a) The permittee shall comply with all terms and conditions of the Special Event Liquor Permit.
- (b) The permittee shall ensure that the person leading special event along a route, or the person in charge of any other special event, is familiar with all the provisions of the permit and carries the Special Event Permit on his or her person for the duration of the event.
- (c) Immediately following the completion of the Special Event, 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.

Sec. 6-2-110. Revocation of permit.

- (a) The Authority may, at any time prior to a special 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 Authority may revoke or terminate the permit during the course of the special event if continuation of the event presents a clear and present danger to the participants or the public.

Sec. 6-2-120. Violations.

- (a) It is unlawful for any person to sponsor or conduct a parade, athletic contest, or other special event or demonstration for which a Special Event Liquor Permit is required under Section 6-2-30, unless a permit has been issued for the event. It is unlawful for any person to participate in such a special 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 lawfully permitted special event.
- (c) The Special Event Liquor Permit authorizes the permittee to conduct only such special 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 special event participant with knowledge of the permit to knowingly violate the terms and conditions of the permit.

Section 2. Chapter 6, Article VI of the *Windsor Municipal Code* is hereby created and shall read as follows:

ARTICLE VI – LIQUOR-RELATED FESTIVAL PERMITS

Sec. 6-6-10. Creation of Local Liquor Festival Permit

There is hereby created a local permit for festivals, subject to and as permitted by the rules in C.R.S § 44-3-404, as may be amended from time to time.

Sec. 6-6-20. Liquor Festival Permit – local rules

- (1) A person meeting the qualifications to apply for a festival permit pursuant to C.R.S § 44-3-404(9) shall file a Liquor Festival Permit application with the Local Licensing Authority, in addition to meeting State requirements. The applicant must:
 - (a) Specify the licensed premises for the first of the festivals to be held;
 - (b) File the application at least thirty (30) business days before the festival is to be held;
 - (c) Include a one hundred dollar (\$100.00) annual processing fee with the application filed with the Local Licensing Authority.
- (2) If a festival permittee notifies the State Licensing Authority and the appropriate Local Licensing Authority of the location of and dates of each festival at least forty-five (45) business days before holding the festival, the permittee may hold up to, but no more than, nine (9) festivals during the twelve (12) months after the Liquor Festival Permit is issued.
- (3) The licensee that holds the festival must file the application for the permit, but other licensees may jointly participate under the permit issued to the licensee that applied for the permit.
- (4) Notification of all subsequent festivals shall be by supplemental application, as approved by both the state and local licensing authorities.

- (5) The Local Licensing Authority may deny a festival permit or supplemental application for any of the following reasons:
 - (i) A documented history of liquor-related or permit violations;
 - (ii) The filing of an incomplete or late application;
 - (iii) A finding that the application, if granted, would result in violations of the State or local liquor codes, or violations of the *Windsor Municipal Code*.
- (6) Notwithstanding any other provision of this *Code*, or Article 3, Title 44, C.R.S, the permittee and participating licensees are authorized to use the licensed premises jointly to conduct alcohol beverage tastings and to engage in the same retail sales of alcohol beverages that the permittee and participating licensees are authorized to conduct at their licensed premises. A festival permit does not authorize the permittee to use the licensed premises for more than seventy-two (72) hours for any one festival.
- (7) If a violation of this *Code*, or Article 3, Title 44, C.R.S occurs during a festival and the licensee responsible for the violation can be identified, the Local Licensing Authority may charge and impose appropriate penalties on the licensee. If the responsible party cannot be identified, the Local Licensing Authority may send a written notice to every licensee identified on the permit application setting them in at a scheduled Liquor Hearing, and after hearing and an opportunity to be heard, may fine each the same dollar amount, as determined by the Local Licensing Authority, pursuant to penalties available in the *Windsor Municipal Code*. A joint fine levied pursuant to this subsection (7) does not apply to the revocation of the licensee's license under Section 44-3-601.
- (8) A joint fine levied pursuant to subsection (7) of this section shall not create or increase civil liability under Section 44-3-801(3) for a participating licensee or create joint liability for such a licensee.

Section 3. Chapter 6, Article VII of the *Windsor Municipal Code* is hereby created and shall read as follows:

ARTICLE VII – COMMUNAL OUTDOOR DINING LIQUOR PERMITS

Sec. 6-7-10. Creation of Communal Outdoor Dining Liquor Permit -rules

- (1) Notwithstanding any other provision of *Windsor Municipal Code*, Chapter 6, or Title 44, C.R.S and subject to the approval of the state and local licensing authorities, a Communal Outdoor Dining Liquor Permit is hereby established to permit a communal outdoor dining area to be shared by two or more persons licensed for on-premises consumption, including an approved sales room.
- (2) A licensee shall not sell or serve alcohol beverages in a communal outdoor dining area unless:
 - (i) The licensee obtains a permit from the State and Local Licensing Authorities and pays the appropriate permitting fees; and

- (ii) The State and Local Licensing Authorities have approved both attaching the license to the communal outdoor dining area and a modification of licensed premises that includes the communal outdoor dining area.
- (3) A retail food establishment that does not have a liquor license may also serve food in an approved communal outdoor dining area.
- (4) A joint application by multiple licensees may be submitted for a Communal Dining Liquor Permit. Such joint application does not relieve each individual licensee from the requirements of obtaining a modification of licensed premises fees or procedures.
- (5) A communal outdoor dining area must be within 1,000 feet of the permanent licensed premises of each of the licensees associated with the communal outdoor dining area. This distance shall be computed by direct measurement from the nearest property line of the land used for the communal outdoor dining area to the nearest portion of the building in which the permanent licensed premises is located, using a route of direct pedestrian access.
- (6) All licensees who wish to be associated with a communal outdoor dining area may submit a joint application with the Local Licensing Authority to modify their licensed premises to include the communal outdoor dining area. Each licensee is responsible for paying the modification of the licensed premises fees required by both the State and Local Licensing Authorities.
- (7) All licensees associated with a communal outdoor dining area must adopt and agree to a security and control plan for the communal outdoor dining area that is approved by the State and Local Licensing Authorities. The security and control plan shall ensure:
 - (i) Any retail food establishments associated with the communal outdoor dining area that does not hold a liquor license acknowledges and agrees that alcohol beverages will be sold in the communal outdoor dining area only by, and under the control of, the licensees associated with the communal outdoor dining area;
 - (ii) One or more licensees will supervise or provide security within the communal outdoor dining area during all hours of operation to ensure compliance with Regulation 47-1103 and all relevant requirements of the *Windsor Municipal Code*, Article 3 of Title 44, C.R.S and the Colorado liquor rules;
 - (iii) All licensees associated with the communal outdoor dining area agree they are jointly responsible for complying with Regulation 47-1103 and all relevant requirements of the *Windsor Municipal Code*, Article 3 of Title 44, C.R.S and the Colorado liquor rules; and
 - (iv) All licensees have obtained and will maintain a properly endorsed general liability and liquor liability insurance policy that includes the communal outdoor dining area and is reasonably acceptable to the state and local licensing authorities.
- (8) A licensee associated with a communal outdoor dining area shall not:

- (i) Permit customers to leave the communal outdoor dining area with any alcohol beverage except as permitted under CRS § 44-3-423;
 - (ii) Permit customers to bring food into the communal outdoor dining area that was purchased outside of the communal outdoor dining area;
 - (iii) Permit takeout or delivery orders to be ordered from or delivered to the communal outdoor dining area;
 - (iv) Sell, serve, or permit consumption of alcohol beverages in the communal outdoor dining area during hours the licensed premises cannot sell alcohol under Article 3 of Title 44, C.R.S, or the limitations imposed by the Local Licensing Authority;
 - (v) Sell, serve, dispose of, exchange, or deliver, or permit the sale, serving, giving, or procuring of an alcohol beverage to a visibly intoxicated person or to a known drunkard;
 - (vi) Sell, serve, dispose of, exchange, or deliver, or permit the sale, serving, or giving of an alcohol beverage to a person under twenty-one (21) years of age;
 - (vii) Permit a visibly intoxicated person to remain within the communal outdoor dining area without an acceptable purpose; or
 - (viii) Permit a person to consume an alcohol beverage within the communal outdoor dining area unless it was purchased within the communal outdoor dining area from a licensee associated with the communal outdoor dining area.
- (9) Licensees associated with a communal outdoor dining area shall promptly remove all alcohol beverages from the communal outdoor dining area at the end of the hours of operation.
- (10) This Article does not apply to a Special Event Liquor Permit issued under Article 2, of this Chapter 6, unless the permit holder desires to use an existing communal outdoor dining area and agrees in writing to the requirements of Article 3 of Title 44, C.R.S and the Local Licensing Authority concerning the communal outdoor dining area.
- (11) Any violation of this Article by a licensee, or by any of the agents, servants, or employees of a licensee, may result in disciplinary action, up to and including license revocation, pursuant to Section 44-3-601(1), C.R.S., and may result in summary suspension of a license pursuant to Section 44-3-601(2), C.R.S., and Regulation 47-602. If the licensee responsible for the violation cannot be identified, each attached licensee is deemed jointly responsible and subject to discipline for the violation.

Introduced, passed on first reading and ordered published this ____ day of _____, 2023.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

Introduced, passed on second reading and ordered published this ____ day of _____, 2023.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

TOWN OF WINDSOR

ORDINANCE NO. 2023– [##]

AN ORDINANCE AMENDING THE *WINDSOR MUNICIPAL CODE*, BY CREATING ARTICLE XI, CONCERNING SPECIAL ACTIVITY PERMITS (NON-ALCOHOL OR NON-LIQUOR RELATED) IN THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality, with all powers and authority vested under Colorado law; and

WHEREAS, Chapter 6 of the Windsor Municipal Code (“Code”) addresses Business Regulations concerning Alcoholic Beverages and Special Event Permits, among other matters; and

WHEREAS, the term “special event permits” is legislatively intended to address the special event liquor permits, pursuant to Article 5, Title 44 of the Colorado Revised Statutes; and

WHEREAS, with the growth of the Town, and the increased requests for alcohol or liquor-related special events permits, it is now necessary to separate the events that do not involve alcohol or liquor, so that it is clear the Local Licensing Authority controls all aspects of the alcohol or liquor-related events; and

WHEREAS, the non-alcohol or non-liquor related permits shall now be renamed “Special Activity Permits”, and the section controlling these permits is being moved to Chapter 11, Article XI, concerning Streets, Sidewalks and Public Property; and

WHEREAS, to achieve consistency in its application, this Ordinance separates the non-alcohol related Special Activity Permit from the liquor related special events permits; and

WHEREAS, the Town Board finds that adoption of this Ordinance is necessary for the preservation of public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

Section 1. Chapter 11, Article XI of the Windsor Municipal Code is hereby created and shall read as follows:

ARTICLE XI – SPECIAL ACTIVITY PERMIT (Non-alcohol or non-liquor related)

Sec. 11-11-10. Purpose.

This Article establishes standards for the issuance of permits for non-liquor or non-alcohol related special activities in the Town.

Sec. 11-11-20. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Coordinator means the Deputy Director of Parks & Recreation or designee.

Permittee means any person or organization issued a Special Activity Permit by the Coordinator.

Special activities permit means a permit issued for a non-liquor or non-alcohol related special activity.

Special activity means a parade, festival, athletic contest or other outdoor event or activity requiring temporary closure of streets, roads, highways, sidewalks or bike and pedestrian lanes or paths that are normally open to the public, or the changing, restricting or adapting of the normal traffic uses of any street, road, or highway in the Town, that will not be serving alcohol in relation to such permitted activity.

Street or highway has the same meaning as defined in the *Model Traffic Code* and other ordinances appearing in this *Code*, and shall include bike and pedestrian lanes or paths.

Sec. 11-11-30. Permit required.

Any person or organization desiring to conduct a special activity shall first obtain a permit from the Coordinator. A permit shall not be required for a special activity that occurs exclusively within Town natural areas or recreation areas, or that does not involve the closure of any streets, roads, highways, sidewalks or bike and pedestrian lanes or paths that are normally open to the public. Funeral processions shall not be considered special activities.

Sec. 11-11-40. Application procedure and fee.

- (a) Any person or organization desiring to conduct a special activity shall apply for a Special Activity Permit by verified application with the Coordinator, on a form supplied by the Coordinator. Applications must be submitted not less than ninety (90) business days nor more than one (1) year before the special activity date.
- (b) If the permittee is not an organization qualified for exemption from the payment of Town sales and use taxes, the application for a Special Activity Permit shall be accompanied by a nonrefundable application fee in an amount set by the Town Manager. The fee shall cover, but shall not exceed, the full cost of processing and investigating such Special Activity Permit application, and the cost of administering the Special Activity Permit program.
- (c) Within thirty (30) days after receiving a completed application and fee, if applicable, the Coordinator shall approve, conditionally approve, or deny, an application for the reasons specified in Section 11-11-50 below.

Sec. 11-11-50. Grounds for denial of application.

The Coordinator shall deny an application for a Special Activity Permit if it is determined from consideration of the application and other pertinent information that:

- (1) The special activity plans to serve alcohol or liquor; or
- (2) The special activity is not within the jurisdiction Town limits; or

- (3) The permittee fails to complete the application form after having been notified of the additional information or documents required; or
- (4) Another Special Activity Permit or application has been received prior in time, or has already been approved, to hold another special activity at the same time and place requested by the permittee, or so close in time and place as to cause undue traffic congestion; or
- (5) The time, route or size of the special activity will substantially interrupt the safe and orderly movement of traffic on or contiguous to the activity site or route or will disrupt the use of a street or highway at a time when it is usually subject to traffic congestion; or
- (6) The size, nature or location of the special activity will present a substantial risk to the health or safety of the public, participants in the activity or other persons; or
- (7) The location of the special activity will substantially interfere with any construction or maintenance work scheduled to take place upon or along the Town streets or a previously granted encroachment permit; or
- (8) The special activity will 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 activity would substantially disrupt the educational activities of the school or class; or
- (9) The special activity involves the use of hazardous, combustible, or flammable materials which could create a fire hazard; or
- (10) The special activity will violate an ordinance or statute; or
- (11) Information contained in the application, or supplemental information requested from the permittee, is found to be false in any material detail.

Sec. 11-11-60. Permit conditions and requirements.

The Coordinator may conditionally approve a Special Activity Permit by imposing certain conditions and requirements, including but not limited to the following:

- (1) Approval of any other jurisdiction in addition to the Town that may be part of the proposed special activity.
- (2) Approval of the special activity by the Town's Public Works and Parks and Recreation Departments.
- (3) Submission of a traffic control plan to be approved by the Coordinator and the Town's Community Development Department.
- (4) All required traffic control shall be done at the permittee's expense.
- (5) A written operational plan regarding the management of the special activity.
- (6) Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the special activity to only a portion of a street or highway.

- (7) Requirements for the use of traffic cones, barricades, or other traffic-control devices to be provided, placed, and removed by the permittee at its expense.
- (8) Requirements for provision of first aid or sanitary facilities.
- (9) Requirements for arrangement of supplemental fire protection and emergency medical services personnel to be present at the special activity at the permittee's expense.
- (10) Requirements for use of special activity monitors and providing notice of permit conditions to activity participants and affected property owners.
- (11) Restrictions on the number and type of vehicles as may be required for fire safety by the Windsor-Severance Fire Protection District.
- (12) Requirements for use of garbage containers, cleanup, and restoration of Town property.
- (13) Restrictions on the use of amplified sound.
- (14) Requirements for public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and/or property damage arising from the special activity. The Coordinator shall determine whether to require such insurance and the amount of any required insurance.

Sec. 11-11-70. Appeal procedure.

The permittee shall have the right to appeal the denial of a permit or a permit condition. A notice of appeal shall be filed with the Town Manager's office, setting forth the grounds for the appeal within ten (10) business days after mailing or personal delivery of a notice of denial or permit condition. The Town Manager shall hold a hearing no later than ten (10) business days after the filing of the appeal and shall render his or her decision no later than one (1) business day after the hearing. The Town Manager's decision shall be final, subject only to such judicial review as may be permitted by law.

Sec. 11-11-80. Permit issuance.

If the Coordinator determines that a permit should be granted, he or she shall issue the Special Activity Permit once the permittee has agreed in writing to comply with all terms and conditions of this Article.

Sec. 11-11-90. Indemnification.

Prior to the issuance of a Special Activity Permit, the Coordinator shall require the permittee and authorized officer of the sponsoring organization (if any) to sign an agreement for the permittee to reimburse the Town for any cost incurred by it in repairing damage to Town property occurring in connection with the permitted special activity and 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 Town against, and indemnify and hold the Town harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the permitted special activity and 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 a special activity are not considered by that reason alone to be "under the control" of the permittee.

Sec. 11-11-100. Duties of permittee.

- (a) The permittee shall comply with all terms and conditions of the Special Activity Permit.
- (b) The permittee shall ensure that the person leading a parade or other special activity along a route, or the person in charge of any other special activity, is familiar with all the provisions of the permit and carries the Special Activity Permit on his or her person for the duration of the activity.
- (c) Immediately following the completion of the special activity, the permittee shall ensure that the area used for the activity is cleaned and restored to the same condition as existed prior to the activity.

Sec. 11-11-110. Revocation of permit.

- (a) The Coordinator may, at any time prior to a special activity, revoke or terminate a permit that has been issued for the activity 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 special activity if continuation of the activity presents a clear and present danger to the participants or the public.

Sec. 11-11-120. Violations.

- (a) It is unlawful for any person to sponsor or conduct a parade, athletic contest, or other special activity or demonstration requiring a Special Activity Permit unless a permit has been issued for the activity. It is unlawful for any person to participate in such a special activity with the knowledge that the sponsor of the activity has not been issued a permit.
- (b) It is unlawful for any person to interfere with or disrupt a lawful parade, athletic contest, or other special activity.
- (c) The Special Activity Permit authorizes the permittee to conduct only such special activity 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 special activity participant with knowledge of the permit to knowingly violate the terms and conditions of the permit.

Introduced, passed on first reading and ordered published this day of , 2023.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

Introduced, passed on second reading and ordered published this day of , 2023.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]



MEMORANDUM

Date: March 6, 2023
To: Mayor and Town Board
From: Shane Hale, Town Manager
Re: Future Meetings Agenda
Item #: 4.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 2023 Future Meetings Agenda



FUTURE TOWN BOARD MEETINGS

March 13, 2023 5:30 p.m.	Town Board Work Session Executive Session to Instruct Negotiators
March 13, 2023 7:00 p.m.	Town Board Regular Meeting
March 20, 2023 5:30 p.m.	Town Board Work Session Weld Co. Department of Public Health and Environment Update Opioid Settlement Update Road Impact Fee Follow-up
March 27, 2023 5:30 p.m.	Town Board Work Session Meet the Board – New Employees Traffic Maintenance Funding Occupation Tax Update
March 27, 2023 7:00 p.m.	Town Board Regular Meeting
April 3, 2023 5:30 p.m.	Town Board Work Session Comprehensive Plan Outreach Update
April 10, 2023 5:30 p.m.	Town Board Work Session Board and Commission Appreciation Event
April 10, 2023 7:00 p.m.	Town Board Regular Meeting
April 17, 2023 5:30 p.m.	Town Board Work Session Tour of OEM Office
April 24, 2023 5:30 p.m.	Town Board Work Session Poster Contest Recognition Celebration Meet the Board – New Employees
April 24, 2023 7:00 p.m.	Town Board Regular Meeting

Future Work Session Topics

- DDA Entertainment District
- Telecom Code (Pending FCC Rules)
- Weld RE-4 School Land Dedication/Cash in lieu of Land Update
- Smart Meter Project (Brian)