

TITLE 14
LICENSES AND PERMITS GENERALLY¹

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Chapter 14.04
GENERAL PROVISIONS

Sec. 14.04.010. Applications.

Applications for all licenses and permits required by any provision of this Code or of any code adopted herein shall be made in writing to the Director of Finance in the absence of a specific provision to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid. Each application shall contain such additional information as may be needed for the proper guidance of the City Officials in the issuing of the permit or license applied for. (Code 1962, § 5-1-1; Code 1971, § 12-1)

Sec. 14.04.020. Persons subject to licensing provisions.

Whenever in this Code or in any code adopted herein a license is required for the maintenance, operation or conduct of any business or establishment or for doing business or engaging in any activity or occupation, any person shall be subject to the requirement if by himself or through an agent, employee or partner, he or she holds himself forth as being engaged in the business or occupation, solicits patronage therefor, actively or passively or performs or attempts to perform any part of such business or occupation in the City. (Code 1962, § 5-1-2; Code 1971, § 12-2)

Sec. 14.04.030. Forms.

Forms for all licenses and permits and applications therefor, shall be prepared and kept on file by the Director of Finance. (Code 1962, § 5-1-3; Code 1971, § 12-3)

Sec. 14.04.040. Signatures.

Each license or permit issued shall bear the signatures of the Mayor and the Director of Finance and the seal of the City, in the absence of any specific provision to the contrary. The Mayor may authorize in writing that his or her signature may be affixed by the Director of Finance by facsimile, rubber stamp or other method. Such license or permit shall be in substantially the following form:

No. _____

STATE OF COLORADO
By Authority of
THE CITY
LICENSE \$ _____

Permission is hereby given to _____ to maintain and carry on the following described business of _____ for the term of ___ months, being from the ___ day of _____ A.D. 19___ to the ___ day of _____ A.D. 19_____, both days inclusive.

IN TESTIMONY WHEREOF the Corporate Seal of the City is hereunto affixed this _____ day of _____ A.D. 19____.

(SEAL)

Mayor

ATTEST:

Director of Finance

(Code 1962, § 5-1-4; Code 1971, § 12-4)

Sec. 14.04.050. Investigations.

Upon the receipt of an application for a license or permit where any provision of this Code or of any code adopted herein necessitates an inspection or investigation before the issuance of such permit or license, the City Clerk shall refer such application to the proper officer, board or commission for making such investigation within forty-eight (48) hours of the time of such receipt. The officer, board or commission charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. The sanitarian shall make or cause to be made an inspection in regard to such licenses in the connection of the care and handling of food and the preventing of nuisances and the spread of disease, for the protection of health. The Building Inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations, except where otherwise specifically provided, shall be made by the Chief of Police or by another officer designated by the City Manager. (Code 1962, § 5-1-5; Code 1971, § 12-5)

Sec. 14.04.060. Payment of fees.

In the absence of any specific provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Director of Finance. Except as otherwise provided, all license fees shall become a part of the general fund. (Code 1962, § 5-1-6; Code 1971, § 12-6)

Sec. 14.04.070. Termination; renewal.

In the absence of any specific provision to the contrary, all annual licenses shall terminate on the last day of the fiscal year. Unless specifically otherwise stated, all annual licenses may be renewed upon payment of the annual license fee to the Director of finance without further examination or investigation. (Code 1962, § 5-1-7; Code 1971, § 12-7)

Sec. 14.04.080. Compliance with building and zoning regulations.

No license shall be issued for the conduct of any business and no permit shall be issued for any thing or act, if the premises and building to be used for the purpose do not fully comply with the requirements of this Code and any code adopted hereby. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the Zoning Code of the City. (Code 1962, § 5-1-8; Code 1971, § 12-8)

Cross reference—Building Regulations, Title 8; Land Use Regulations, Title 26.

Sec. 14.04.090. Notice required for change of location.

The location of any licensed business or occupation or of any permitted act, may be changed, provided, ten (10) days' notice thereof is given to the Director of Finance in the absence of any provision to the contrary, provided that the building and zoning requirements of this Code and any code adopted hereby are complied with. (Code 1962, § 5-1-9; Code 1971, § 12-9)

Sec. 14.04.100. Right of entry and sampling for inspection when required for licensed business or occupation.

(a) Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by this Code or by any code adopted herein or are reasonably necessary to secure compliance with any provision of this Code or any code adopted herein or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the City who is authorized or directed to make such inspection at any reasonable time that admission is requested and it shall be unlawful for such person to fail or refuse to admit such officer or employee for such purpose.

(b) Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any provision of this Code or any code adopted herein or to detect violations thereof, it shall be the duty of the licensee of the municipality whose business is governed by such provision to give to any authorized officer or employee of the City requesting the same sufficient samples of such material or commodity for such analysis upon request and it shall be unlawful for such licensee to fail or refuse to give such samples to such officer or employee.

(c) Conviction of a violation of any provision of this Section shall automatically forfeit and revoke any license issued under this Title; provided, that there shall be no violation of this Section unless written demand is made upon the licensee or person in charge of the premises, in the name of the City, stating that such inspection or sample is desired at the time it is sought to make the inspection of or obtain the sample. (Code 1962, § 5-1-11; Code 1971, § 12-10)

Sec. 14.04.110. Denial and revocation.

Whenever the City Attorney has cause to believe that any license holder is engaging or has engaged in any activity such as to preclude the issuance of any license applied for or to warrant revocation of any license presently held, he shall present clear and convincing evidence of the same to the finance committee which shall determine if such action shall be taken. The applicant or licensee affected shall be given adequate notice of any such hearing and be given full opportunity to be heard. Such hearings shall be conducted as quasi-judicial hearings and in conformance with all procedural requirements of law. (Code 1962, § 5-1-12; Code 1971, § 12-11; Ord. No. 7-1976, § 2)

Sec. 14.04.120. Display.

It shall be the duty of any person conducting a licensed business in the City to keep his or her license posted in a prominent place on the premises used for such business at all times. (Code 1962, § 5-1-13; Code 1971, § 12-12)

Sec. 14.04.130. Vehicle tags.

Whenever the number of vehicles used is the basis of a license fee, the Director of Finance shall furnish each licensee with a tag or sticker for each vehicle covered by the license and tag or sticker shall be posted in a conspicuous place on each such vehicle while it is in use. Such tag or sticker may be transferred from one vehicle to another upon satisfactory proof to the Director of Finance that the vehicle previously licensed is no longer being used by the licensee. (Code 1962, § 5-1-14; Code 1971, § 12-13)

Chapter 14.08

BUSINESS LICENSES

Sec. 14.08.010. Purpose.

The purpose of this Chapter shall be to require the licensing and regulation of business activities and enterprises conducted within the City and provide the City with necessary information concerning the business activities within the City, the nature of the business operation, number of employees, place of business and such other information relating to businesses and professions operating within the City in order to protect the health, welfare and safety of its inhabitants. (Ord. No. 25-1970, § 2; Code 1971, § 12-28)

Sec. 14.08.020. Definitions.

For the purposes of this Chapter the following terms, phrases, words and their derivations shall have the meanings herein given:

(a) *Business*. The word *business* is meant to include all kinds of vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly within the City.

(b) *Casual sale*. The term *casual sale* is an individual, single or incidental transaction which in itself does not constitute the carrying on of business.

(c) *License or licensee*. The word *license* or *licensee* as used generally in this Chapter shall include respectively the word "permit" or "permittee" or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this Chapter or other ordinance of the City.

(d) *License officer*. The term *license officer* shall mean the Director of Finance of the City.

(e) *Person*. The word *person* is meant to include individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations or any officers, agents, employees, factors or any kind of personal representatives of any other person, under either personal appointment or pursuant to law. (Ord. No. 25-1970, § 3; Code 1971, § 12-29; Ord. No. 68-1974, § 1)

Sec. 14.08.030. Duty of license officer.

(a) The City License Officer shall issue licenses in the name of the City to all persons qualified under the provisions of this Chapter and shall:

(1) Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this Chapter.

(2) Adopt all forms and prescribe the information to be given therein as to character and other relevant matter for all necessary papers.

(3) Require applicants to submit all affidavits and oaths necessary to administration of this Chapter.

(4) Submit all applications, in a proper case, to interested city officials for their endorsements thereon as to compliance by the applicant with all City Regulations which they have the duty of enforcing.

(5) Investigate and determine the eligibility of any applicant for a license as required by this Chapter.

(6) Notify any applicant of the acceptance or rejection of his or her application and shall, upon his or her refusal of any license or permit, at the applicant's request, state in writing the reasons therefor and deliver them to the applicant.

(b) The license officer shall keep all information furnished or secured under the authority of this Chapter in strict confidence. Such information shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration of this Chapter.

(c) Nothing herein shall be construed to permit the license officer to regulate the practice of any profession for which an applicant has a valid state license. For purposes of this Section the words *regulate the practice* shall mean to prescribe qualifications different from or additional to those prescribed by the State for the privilege of engaging in a specified profession. All provisions of this Chapter shall be interpreted and applied only so as to enforce the health, criminal, building, zoning and other regulations of the City and not as

an attempt to usurp or interfere with the right of the State to license professional activity when the State has exercised such authority. (Ord. No. 25-1970, § 8; Code 1971, § 12-30; Ord. No. 72-1975, § 1; Ord. No. 62-1981, § 2)

Sec. 14.08.040. Required.

It shall be unlawful for any person, whether as principal or agent, clerk or employee, either for himself or for any other person or for anybody, corporation or otherwise to commence or carry on any kind of lawful business, profession, vocation or occupation in the City, without first having procured a license from the City so to do or without complying with any and all regulations of such business, profession, vocation or occupation, contained in this Chapter. (Ord. No. 25-1970, § 4; Code 1971, § 12-31)

Sec. 14.08.050. Exemptions from Chapter.

The provisions of this Chapter shall not be deemed or construed to require the procurement of a license to conduct, manage or carry on, any business, occupation or activity or require the payment of any license from any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable, municipal or public purposes from which profit is not derived, either directly or indirectly, by any individual, firm or corporation. Nor shall any license be required for the conducting of any entertainment, dance, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects, whenever the entire receipts from the same are to be appropriated to or such projects are conducted under the auspices of any church or school or any religious, nonprofit or benevolent organization. Nor shall any license be required for the conducting of any entertainment, dance, concert, exhibition or lecture, whenever the receipts from the same are to be appropriated for the purposes and objects for which such association or organization was formed and from which profit is not derived, either directly or indirectly, by any individual firm or corporation. Nor shall a license be required of any person for any mere delivery in the City where no intent by such person is shown to exist to evade the provisions of this Chapter. No newsboy selling magazines or newspapers on the public streets or in public places shall be required to obtain a license. Nor shall a license be required for a casual sale, as defined in Section 14.08.020 above. (Ord. No. 25-1970, § 7; Code 1971, § 12-32)

Sec. 14.08.060. Application.

Every person required to procure a license under the provisions of this Code or any other ordinance or law of the City shall submit an application for such license to the City License Officer.

The application shall:

(1) Be a written statement upon such forms provided by the City License Officer. Such form shall be signed by the applicant stating the name of the applicant, name of the business, owner or owners of the business, address of the business, number of employees and nature of the business.

(2) Require the disclosure of all additional information necessary to compliance with this Chapter and of any other information which the City License Officer shall find to be reasonably necessary to the fair administration of this Chapter. (Ord. No. 25-1970, § 9; Code 1971, § 12-33; Ord. No. 30-1974, § 1; Ord. No. 62-1981, § 3)

Sec. 14.08.070. Occupation tax; expiration.

(a) No license required by this Chapter shall be issued until the occupation tax provided for in Chapter 23.20 of the Municipal Code has been paid or it is determined that the person applying for a license is exempt from the payment of said tax.

(b) The license required by this Chapter is for the privilege of pursuing the business, profession, vocation or occupation until the next succeeding December 31st at the end of the calendar year. (Ord. No. 25-1970, § 12; Code 1971, § 12-34; Ord. No. 62-1981, § 5)

Sec. 14.08.080. Reserved.

Editor's note—Former Section 12-35, relative to credit for license fees paid under other ordinances of the City or Statutes of the State, derived from Ord. No. 25-1970, § 12, was repealed by Ord. No. 62-1981, § 4. (Code 1971, § 12-35)

Sec. 14.08.090. General requirements of licensee.

Every licensee under this Chapter shall:

(1) Ascertain and at all times comply with all laws and regulations applicable to such licensed business.

(2) Avoid all illegal or unlawful practices or conditions which do or may affect the public health, safety, morals or welfare.

(3) Refrain from operating the licensed businesses on premises after expiration of his or her license and during the period his or her license is revoked or suspended.

(4) Refrain from engaging in any deceptive trade practices as such are defined in the Colorado Consumer Protection Act, Section 6-1-101 et seq., C.R.S. 1973 or any other type of unfair trade practice actionable at common law or under the statutes of this State or ordinances of this City. (Ord. No. 25-1970, § 1; Code 1971, § 12-36; Ord. No. 7-1976, § 1)

Sec. 14.08.100. Separate license for each place of business.

A separate license must be obtained for each branch, establishment or separate place of business in which the business is carried on. (Ord. No. 25-1970, § 6; Code 1971, § 12-37; Ord. No. 62-1981, § 6)

Sec. 14.08.110. Reserved.

Editor's note—Ord. No. 62-1981, § 7, repealed former §§ 12-38 and 12-39 relative to legal action by the City for failure to pay license fees and criminal prosecution for violation of Code provisions. Said sections were derived from Ord. No. 25-1970, § 13. (Code 1971, § 12-38)

Sec. 14.08.120. Separate offense for each day's violation.

The carrying on of any business, profession, vocation or occupation as provided in this Chapter, without first having procured a license from the City so to do or without complying with any and all regulations of such business, profession, vocation or occupation contained in this Chapter shall be deemed a separate violation of this Chapter for each and every day that such business, profession, vocation or occupation is carried on. (Ord. No. 25-1970, § 5; Code 1971, § 12-40)

Sec. 14.08.130. Solid waste collection business license required.

14.08.130 Solid Waste Collection Business License--Required

In order to obtain a business license, a solid waste Hauler must comply with the requirements of Chapter 12.06, entitled "Waste Reduction." . (Ord. No. 26, 2005 §2; Ord. No. 17-2008)

Chapter 14.12

LICENSES FOR DEALING WITH TRADING STAMPS

Sec. 14.12.010. License for selling, delivering, etc., trading stamps to merchants or others in business; required.

It shall be unlawful for any person to engage in or pursue the vocation or business enterprise of selling, delivering or giving away any trading stamps, coupons, tickets or other similar devices to merchants or other persons engaged in business with promise or assurance expressed or implied that he or any person will give or deliver to any person presenting such stamps, coupons, tickets or devices, any money, goods, wares or merchandise therefor or any redemption thereof, without first procuring a license to do so. (Code 1962, §5-5-1; Code 1971, §12-56)

Sec. 14.12.020. Same; fee; term; issuance.

Any person may procure a license for the purpose set forth in Section 14.12.010 above upon payment to the Director of Finance of the sum of one hundred dollars (\$100.00). Such license shall be issued by the Director of Finance upon the payment of the license fee. (Code 1962, §5-5-2; Code 1971, §12-57)

Sec. 14.12.030. Payment of occupation tax.

No license shall be issued under the provisions of this Chapter until the occupation tax provided for in Chapter 23.20 has been paid or it has been determined that the person applying for a license is exempt from the payment of said tax. (Code 1962, §5-5-3; Ord. No. 62-1981, §9; Code 1971, §12-58)

Sec. 14.12.040. Reserved.

Editor's note—Former Section 12-59, establishing the license fee for dealing with trading stamps, derived from Code 1962, §5-5-4, has been deleted as being superseded by the provisions set forth in Ch. 23.20. (Code 1971, §12-59)

Chapter 14.16

TAXICABS

Sec. 14.16.010. Purpose.

The purpose of this regulation is to insure the fair and equal application of established rates to all members of the general public by requiring that the same be posted in full view of all passengers and requiring the installation and use of taxi meters. (Code 1971, §12-60; Ord. No. 52-1980, §1)

Sec. 14.16.020. Definitions.

(a) *Taxicab* shall mean any motor vehicle used to transport persons for hire, having a seating capacity of not more than eleven (11) persons, not including the driver; except motor vehicles operated pursuant to governmental transportation entities.

(b) *Operator* shall mean any person, partnership, corporation, association or other organization engaged in the business of transporting persons for hire by means of one (1) or more than one (1) taxicab.

(c) *Driver* shall mean any person who drives a taxicab and may include an operator or any employee of an operator.

(d) *Taximeter* shall mean a meter, instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

(e) *Rate card* shall mean a card prepared by the operator for display in each taxicab which contains the rates of fare then in force. (Code 1971, §12-61; Ord. No. 52-1980, §1)

Sec. 14.16.030. Required equipment.

It shall be unlawful to operate a taxicab as a common carrier over any public street, road or highway of this City unless said taxicab shall be equipped with functioning and accurate taximeters fastened in front of the passengers, visible to them at all times, day and night; and after sundown, the face of the taximeter shall be illuminated. No taxi shall be operated with paying passengers without said taximeter. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed; and it shall be the duty of the driver to throw the flag of such taximeter into a nonrecording position at the termination of each trip.

Annual certification of accuracy shall be required under regulations promulgated by the City Manager which regulations shall require certification of each taximeter for accuracy on October 1st of each year and may require the payment of a reasonable fee to cover the expenses of inspection. Taximeters certified after October 1st of any year shall be certified only until October 1st of the following year. (Code 1971, §12-62; Ord. No. 52-1980, §1)

Sec. 14.16.040. Rates.

It shall be unlawful for any owner or driver of a taxicab to charge a greater sum for the use of a taxicab than the rates established by the Colorado Public Utilities Commission. Every taxicab operated as a common carrier over any public street, road or highway of this City shall have a rate card setting forth the authorized rates of fare displayed in such a place as to be in full view of all passengers. (Code 1971, §12-63; Ord. No. 52-1980, §2)

Chapter 14.20

SPECIAL EVENT PERMITS

Sec. 14.20.010. Definitions.

For purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases used herein are defined as follows:

(a) *Applicant* shall mean the person, group organization or entity that applies for a permit and the permittee whose name shall appear on the permit issued pursuant to this Chapter.

(b) *City Manager* shall mean the City Manager of the City or the person designated by the City Manager to perform the duties of the City Manager set forth at Sections 14.20.040 and 14.20.050 below of this Chapter.

(c) *Expressive activity* shall mean a parade, assembly, meeting or similar gathering conducted for the purpose of exercising free speech activity protected by either the First Amendment to the United States Constitution or Article II, Section 10 of the Colorado Constitution.

(d) *Special event* shall mean any festive, educational, sporting, artistic or commercial enterprise or activity upon public property for a limited period of time which is sponsored by a for-profit or nonprofit group organization or entity and at which any of the following shall apply:

(1) The expenditure of City resources is contemplated or is deemed necessary by City personnel to maintain public health, safety and welfare;

(2) The event will be conducted on land requiring a temporary land use approval pursuant to Section 26.96.010 of the Code; or

(3) The event is expected to have a visual, noise or other environmental impact upon the immediate vicinity or surrounding area of the event.

(e) *Special events coordinator* shall mean the City Manager or the person designated by the City Manager to perform the duties of the special events coordinator as outlined in this Chapter. (Code 1971, § 12-101; Ord. No. 27-1992, § 3)

Sec. 14.20.020. Special event permit.

Application for a permit authorizing a special event shall be made on a form prepared and made available by the Special Events Coordinator. The application shall be made with the Special Events Coordinator at least thirty (30) days prior to the scheduled date of the special event. (Code 1971, § 12-102)

Sec. 14.20.030. Review by Special Events Coordinator.

The Special Events Coordinator shall review the application for a special event permit and from the information supplied, take the following actions:

(a) Determine whether the applicant will need to apply for and obtain one (1) or more of the following additional licenses or permits:

(1) Parade permit from the Chief of Police pursuant to Section 14.20.040 below of this Code;

(2) Park use permit from the Director of Recreation pursuant to Section 14.20.050 below of this Code;

(3) Special events liquor license from City Council pursuant to Section 12-48-101 et seq., C.R.S.

(4) Vending agreement from City Council pursuant to Section 15.04.350 of this Code;

(5) Permit to occupy a city right-of-way from the City Engineer pursuant to Section 21.04.050 of this Code;

(6) Temporary land use approval from City Council pursuant to Section 26.96.010 of this Code;

(7) Fireworks, loudspeaker or other noise permit from the Aspen/Pitkin Environmental Health Department pursuant to Section 18.04.070 of this Code;

(8) Right-of-way construction permit from the City Engineer pursuant to Section 21.04.060 of this Code;

(9) Sign permit from the City Manager pursuant to Section 26.36.030 of this Code;

(10) License to occupy City-owned property or facility from the Facilities Manager;

(11) Trash accumulation permit from the City Manager pursuant to Section 12.04.130 of this Code; and

(12) Business license from the Finance Department pursuant to Section 14.08.010, et seq., of this Code.

(b) Determine whether the applicant's special event constitutes expressive activity within the meaning of this Chapter. If the applicant asserts that the proposed event constitutes expressive activity within the meaning of this Chapter, the special events coordinator shall not make a negative determination in this respect without first conferring with the City Attorney.

(c) Refer the application to other relevant City departments and citizen advisory boards to solicit their comments, suggestions for conditions of approval and estimate of fees for the rental of City equipment or services requested by the applicant or suggested as a condition of approval for the special event.

(d) Determine whether the special event requires City Council approval prior to the issuance of a permit. In making this determination, the following criteria shall be considered by the special events coordinator:

(1) Whether the applicant will need to obtain City Council approval for another permit or license related to the special event. (For example, a special events liquor license, vending agreement or temporary land use approval).

(2) Whether the special event has been approved by the City Council in the past.

(3) Whether the special events coordinator, City Manager or any member of Council deem it advisable for Council to consider and approve the application.

(e) Assist the applicant in determining what City-owned equipment (barricades, traffic cones, etc.) and/or City services (law enforcement officers, clean-up crews, etc.) shall be required as a condition of approval to maintain public order and protect the public health, safety and welfare.

(f) Impose such conditions as deemed necessary to protect the integrity of the site and the surrounding uses and structures in the neighborhood in which the special event is to take place and to minimize or mitigate any impacts the special event may have upon the health, safety and welfare of the citizens and guests of the City. This may include, but is not limited to, setting requirements for or imposing restrictions upon, size, bulk, location, open space, buffering, screening, noise, signage, parking, traffic control, security, clean up, maintenance, operations, hours of operation, set-backs, building materials and requiring such financial security as deemed necessary to ensure compliance with any or all conditions of approval and/or to restore the site of the special event to its original use or condition.

In determining whether to require financial responsibility guarantees or insurance policies, the special events coordinator shall consider the nature of the proposed use of public property and the adaptability of the same to the proposed use, the number of persons expected to use the public property, the past experience of the City and other governmental subdivisions with similar special events and the effect such event would likely have on the neighborhood surrounding the subject property. (Code 1971, § 12-103)

Sec. 14.20.040. Parade permit.

(a) Application for a permit authorizing a parade by fifty (50) or more persons in or upon any public street, right-of-way, sidewalk or in any other public way or City owned or operated place or facility within the City shall be made on a form prepared and made available by the City Manager and submitted to the City Manager no less than thirty (30) days prior to the scheduled parade. The City Manager may require any additional information from the applicant which is reasonably necessary to a fair determination as to whether a permit should issue. The application form shall contain a description of the standards to be used by the City Manager in deciding to approve, deny or approve with conditions parade permit applications.

(b) If the proposed parade does not comply with rules and regulations for parades promulgated by the City Manager, the City Manager may present alternative locations, times, routes or other conditions that will comply. The applicant can either accept the changes or submit a new application no less than twenty (20) days prior to the date of the parade that does comply with the issues raised by the City Manager. (Code 1971, § 12-104; Ord. No. 27-1992, § 3)

Sec. 14.20.050. Park use permit.

(a) Application for a permit authorizing a person, group or organization exclusive use of all or a portion of a City-owned park or facility, for a limited period of time, shall be made on a form prepared and made available by the City Manager and submitted to the City Manager no less than thirty (30) days prior to the scheduled use of the park or facility. The City Manager may require any additional information from the applicant which is reasonably necessary to a fair determination as to whether a permit should issue.

(b) If the proposed use of the park does not comply with rules and regulations for park use promulgated by the City Manager, the City Manager may present alternative locations, uses or conditions that will comply. The applicant can either accept the changes or submit a new application no less than twenty (20) days prior to the date of the park use that does comply with the issues raised by the City Manager.

(c) The City Manager may require the applicant to execute a license agreement, approved as to form by the City Attorney, to occupy the park or portion or facility thereto. (Ord. No. 27-1992, § 3: Code 1971, § 12-105)

Sec. 14.20.060. Expressive activity.

Whenever an applicant for a permit pursuant to this Chapter asserts that the proposed event constitutes expressive activity within the meaning of this Chapter and the Special Events Coordinator so determines, the following procedures shall apply:

(a) Notwithstanding any provision of this Code to the contrary, the Special Events Coordinator shall not impose additional conditions upon the issuance of a parade or park use permit not required by the City Manager.

(b) Notwithstanding Sections 14.20.040(a) and 14.20.050(a) to the contrary, an application for a parade or park use permit shall be made no less than four (4) days prior to the date of the expressive activity.

(c) Notwithstanding Subsections 14.20.040(b) and 14.20.050(b) to the contrary, the resubmittal of an application incorporating suggested changes by the City Manager shall be submitted no less than two (2) days prior to the date of the proposed expressive activity.

(d) Notwithstanding any provision of this Code to the contrary or suggested condition imposed by the Special Events Coordinator or any other agent of the City, the applicant shall not be required to procure or maintain insurance, post a bond or pay any fee or charge which is not nominal and intended solely to recover the costs of processing applications for permits or licenses. Nothing in this Subsection is intended to relieve the applicant from paying all bills and charges for the use of City equipment or services requested by the applicant, to make repairs or to reimburse for damages incurred or caused by the applicant or other responsible person while engaged in the permitted activity. (Code 1971, § 12-106; Ord. No. 27-1992, § 3)

Sec. 14.20.070. Fees.

Prior to the issuance of a special event permit pursuant to this Chapter, the applicant shall pay the permit processing fee set forth in Subsection 2.12.020(h) and, in addition to the processing fees, all estimated charges for City services, property and equipment requested by the applicant or determined to be a requisite condition of approval by the Special Events Coordinator. (Code 1971, § 12-107; Ord. No. 27-1992, § 3; Ord. No. 45-1999, § 14)

Sec. 14.20.080. Waiver of fees.

The fees and charges imposed by this Chapter shall not be waived except as provided herein. Application for the waiver of all or a portion of the fees and charges imposed by this Chapter shall be made on a form prepared and made available by the Special Events Coordinator and submitted to the City Manager no less than three (3) days after the filing of the permit application. The City Manager may waive all or a part of the fees and charges as she, in her discretion, deems to be in the best interests of the City. The City Manager may take into consideration whether the applicant is as a nonprofit organization, the extent and nature of the applicant's financial resources, the revenues expected to be raised by the special event and any other information deemed relevant by the City Manager. All waivers shall be made in writing. (Code 1971, § 12-108; Ord. No. 27-1992, § 3)

Sec. 14.20.090. Indemnification.

Whenever required as a condition to the issuance of a permit pursuant to this Chapter, the applicant shall execute a written agreement to indemnify and hold harmless the City, its officers and employees, from any loss, liability, damage or cost sustained by any person or property, to the extent any such loss, liability, damage or cost rises from any activity associated with the special event or use of City-owned equipment, supplies or property. (Code 1971, § 12-109; Ord. No. 27-1992, § 3)

Sec. 14.20.100. Insurance.

Whenever required as a condition to the issuance of a permit pursuant to this Chapter, the applicant shall procure and maintain, at its own expense, a policy or policies of insurance sufficient to insure against all liability, claims, demands and other obligations assumed by the applicant pursuant to Section 14.20.090 above. Such coverages shall be procured and maintained with forms and insurers acceptable to the City. Public liability insurance coverage shall, at a minimum, be in amounts equal to the monetary limitations provided by the Colorado Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., as from time to time amended. The policy shall be endorsed to include the City and its officers and employees as additional insureds and shall provide primary insurance. The applicant shall present a certificate of insurance to the Special Events Coordinator completed by the applicant's insurance agent as evidence that policies providing the required coverages, conditions and minimum limits are in full force and effect prior to the date of the event. The certificate shall identify the special event and shall provide that the coverages afforded under the policies shall not be canceled, terminated or materially changed until at least thirty (30) days' prior written notice has been given to the City. Failure to procure or maintain policies providing the required coverages, conditions and minimum limits shall constitute sufficient grounds for immediate revocation of a permit issued pursuant to this Chapter. (Code 1971, § 12-110; Ord. No. 27-1992, § 3)

Sec. 14.20.110. Bonds.

Whenever required as a condition to the issuance of a permit pursuant to this Chapter, the applicant shall provide the City with a guarantee to ensure financial responsibility for the payment of all bills, repairs, damages and otherwise ensure performance of all conditions of approval. The guarantee shall be in the form of a cash escrow with the City or a bank or savings and loans association or an irrevocable sight draft or letter of credit from a financially responsible lender and shall give the City the unconditional right upon demand to withdraw funds to pay any outstanding bills, including obligations to the City, make repairs, reimburse for damages incurred and perform all conditions of approval. (Code 1971, § 12-111; Ord. No. 27-1992, § 3)

Sec. 14.20.120. Term of permit.

A permit issued pursuant to this Chapter shall remain in effect only during the time stated in the permit and shall not be transferable to any other entity without the prior written consent of the City. (Code 1971, § 12-112; Ord. No. 27-1992, § 3)

Sec. 14.20.130. Appeals.

Any person not satisfied with the action taken by a person designated by the City Manager to perform the duties of the City Manager set forth at Sections 14.20.040 and 14.20.050 above, by the Special Events Coordinator or any other City staff person with regard to an application pursuant to this Chapter shall have the right to take successive appeals, first to the City Manager and then to the City Council. An appeal to the City Manager shall be taken by filing with the City Clerk a signed statement that the applicant desires to appeal to the City Manager, along with a copy of the application and the written denial or the permit objected to. An appeal of a decision by the City Manager to the City Council shall be taken by filing with the City Clerk copies of the application, denial or permit and the written decision issued by the City Manager, along with a signed statement that the applicant desires to appeal to the City Council. Each appeal shall be filed within two (2) days, exclusive of Saturdays, Sundays and legal holidays, of the decision appealed from. A hearing shall

precede a decision by either the City Manager or City Council and advance notice of the hearing shall be provided to the applicant and the City official whose decision is being appealed as soon as is practicable. The right to appeal an adverse decision by the City Manager to City Council shall be contingent upon City Council's regular meeting schedule. If City Council does not meet prior to the time of the scheduled special event, the City Manager's decision shall be final. (Code 1971, § 12-113; Ord. No. 27-1992, § 3)