

**DENVER DEPARTMENT OF PARKS AND RECREATION
PUBLIC EVENT POLICY
AS ADOPTED ____-16**

**CITY AND COUNTY OF DENVER
DEPARTMENT OF PARKS AND RECREATION**

**PERMITTING AND OPERATIONAL
PROCEDURES, REQUIREMENTS, RESTRICTIONS,
CONDITIONS, AND RULES AND REGULATIONS
REGARDING PUBLIC EVENTS IN DENVER PARKS**

Referred to herein as “Public Event Policy”

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PART I – PURPOSE; AUTHORITY; ENFORCEMENT; and INTERPRETATION

1.1 Purpose: The purpose of the Public Event Policy is to establish an effective mechanism for allowing outdoor public events in Denver parks while safeguarding the parks and the rights of park patrons to access and use the parks. The Public Event Policy sets forth the procedures, requirements, restrictions, conditions and rules and regulations under which outdoor public events may be scheduled and held within Denver parks consistent with the operation and protection of Denver parks, public use of Denver parks, and public health, safety and welfare.

1.2 Authority:

1.2.1 Section 2.4.4(A) of the Denver City Charter (“**Charter**”) delegates to the Department of Parks and Recreation (“**DPR**”) the duty and power to manage, operate and control all facilities located within and without the boundaries of the City and County of Denver and owned by the City for park and recreational purposes. This authority includes the power to permit and regulate outdoor public events of various sorts in Denver parks, as provided for in this Public Event Policy. The authority of DPR to issue permits and regulate public events as provided in this Public Event Policy is affirmed in Article II (Scheduled Events) of Chapter 39 (Parks and Recreation) of the Denver Revised Municipal Code (“**Parks Permitting Ordinance**”).

1.2.2 The fees charged for outdoor public events under this Public Event Policy and the terms and conditions of a permit issued under this Public Event Policy is achieved through ordinances adopted by the Denver City Council and approved by the Mayor, as provided in Charter Section 2.4.4(A). Fees are set forth or otherwise provided for in Article IV of Chapter 39, Denver Revised Municipal Code (“**Fee Ordinance**”).

1.2.3 Charter Section 2.4.4(A) also delegates authority to DPR to establish rules and regulations, such as are set forth in this Public Event Policy, and to enforce such rules and regulations subject to ordinance approval. Enforcement is provided for in the Parks Permitting Ordinance and by other means set forth in Article I of Chapter 39 (Parks and Recreation) of the Denver Revised Municipal Code.

1.2.4 Additional authority is granted in the Parks Permitting Ordinance for DPR to adopt rules and regulations for the use of administrative citations in accordance with Article XII of Chapter 2, DRMC. DPR has exercised this authority by adopting a separate set of rules and regulations for administrative citations and establishing an administrative system for, among other things, issuing citations, collecting civil fines, and conducting appeals. This administrative system is set forth in the Administrative Citations Rules & Regulations adopted 5-11-12 and as subsequently amended.

1.2.5 Nothing in this Public Event Policy is intended to be a limitation or restriction on the duties or powers vested in DPR and the DPR Executive Director under Charter section 2.4.4(A) or other provisions of the Charter or granted to DPR and the DPR Executive Director under the Denver Revised Municipal Code.

1.3 Effect on other lawful requirements: Nothing in this Public Event Policy is intended to reduce, limit, waive, override or supersede legal requirements for compliance with other City ordinances and

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rules and regulations, including but not limited to compliance with rules and regulations adopted, any mandated licenses or permits, or other authorizations or approvals required by other City departments and agencies such as Public Works, Safety (Police and Fire), Community Planning and Development, Denver Water, Arts & Venues, Excise and Licenses, Finance, and Environmental Health, or by federal and state law. This includes other DPR policies and/or rules and regulations.

1.4 Enforcement:

1.4.1 Penalties: The Parks Permitting Ordinance makes it unlawful for any person to violate any procedures, requirements, restrictions, conditions or rules and regulations adopted by the DPR Executive Director in this Public Event Policy or the terms and conditions of any permit issued under this Public Event Policy and provides for the enforcement of the Public Event Policy and the Parks Permitting Ordinance through penalties imposed by the courts and through administrative citations. DPR has exercised its administrative enforcement authority by through the Administrative Citations Rules & Regulations adopted 5-11-12 and as subsequently amended and by establishing an administrative system for issuing administrative citations, collecting fines, and conducting appeals.

1.4.2 Suspension, Revocation or Imposition of Additional Requirements: In addition and as provided in this Public Event Policy, the DPR Executive Director may suspend or revoke any pending approval or issued permit or impose additional requirements, restrictions or conditions on a pending approval or an issued permit commensurate with the nature of a violation of this Public Event Policy or any issued permit.

1.5 Interpretation: If at any time the application or meaning of the Parks Permitting Ordinance or the Fee Ordinance is uncertain or in need of further explanation, this Public Event Policy shall be referred to, and applied, for any interpretation or clarification of the Parks Permitting Ordinance or the Fee Ordinance. This Public Event Policy is to be interpreted and applied in accordance with its specifications and definitions and in accordance with the common and ordinary meaning of words and phrases not otherwise specified or defined in the Public Event Policy.

1.6 Supersession: This Public Event Policy is intended, and shall be construed, to supersede and replace any prior permitting requirements for public events in effect, but any permit issued before the effective date of this Public Event Policy shall remain in effect until it expires or is terminated by its own terms.

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PART II – DEFINITIONS and ACRONYMS

Terms, phrases and acronyms more generally used in this Public Event Policy are defined below and other, less frequently used terms and phrases are defined elsewhere in the Public Event Policy.

2.1 *Administrative Citations Rules & Regulations* mean those rules and regulations as described in section 1.2.4.

2.2 *Amplified Sound* shall include any music, spoken word, rhythmic beat, audible vibration or other sound or noise increased in sound volume or amplitude through an electronic or other system such as amplifiers, loudspeakers, boom boxes, powered megaphones, “bull horns” or similar devices.

2.3 *Applicable Law* means any federal, state or local law, governmental rule, regulation or ordinance, or judicial order or decree, including without limitation the City Charter; Denver Revised Municipal Code; rules, regulations, and policies of the City; and executive orders of the City’s Mayor, as any of the same may be amended or supplemented from time to time; along with all applicable liquor laws and licensing requirements (state or local); and as further provided in this Public Event Policy.

2.4 *Applicant* means an Individual Applicant or an Entity Applicant, as defined and further described in Section 4.2.9., who or which makes an Application for an Event Permit under this Public Event Policy.

2.5 *Application* means the form for applying for an Event Permit as it may be modified or updated from time to time by the DPR Executive Director consistent with this Public Event Policy, subject to the procedures, requirements and priorities set forth in this Policy. A copy of the current form of the Application may be found at the Permit Resource Site.

2.6 *Attendees* mean any attendees, participants, spectators, and other members of the public at an Event in a Park.

2.7 *Blackout Dates* mean scheduled closures, rest dates, and other periods of time where an Event Site is not available for an Event. See section 3.7.2 for more specific information about Blackout Dates.

2.8 *Carrying Capacity* means the capacity of the usable open space within a Park for an Event Site to safely and comfortably accommodate the projected peak attendance for an Event. See section 3.5.2 for more specific information about Carrying Capacity.

2.9 *City* means the City and County of Denver.

2.10 *City Agencies* mean the City departments and agencies with operational jurisdiction over City-owned or –controlled property which may be impacted or used by an Event or regulatory jurisdiction over various aspects of the Event. See section 3.12 for more information about City Agencies.

2.11 *Demonstration* means a gathering of people in a Park for a public meeting, assembly, speech, protest, rally, or vigil involving the expressions of ideas, opinions, dissent, or grievances. Demonstrations in Parks may be permitted under a separate Demonstration Policy, available at the Permit Resource Site. An Event, as defined in section 2.16, may include a Demonstration, but any Event that includes a Demonstration shall be subject to this Public Event Policy.

2.12 *DPR* means the City’s Department of Parks and Recreation.

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2.13 *DPR Executive Director* means the appointed Executive Director for the City's Department of Parks and Recreation or the Executive Director's authorized representative(s).

2.14 *DPR Staff* means any employees of DPR assigned to or responsible for Parks at which Events may be held or for reviewing Applications and other information provided by the Applicant and overseeing performance of Event Permits.

2.15 *DRMC* means Denver Revised Municipal Code.

2.16 *Event* means a gathering open to members of the public who are brought together at an Event Site in a Park through an organized effort of a Permittee for a purpose which requires the reserved and priority use of an Event Site by means of an Event Permit. An Event may potentially involve any one or more Event Activities and Uses.

2.17 *Event Activities and Uses* mean any of the activities or uses listed and defined below:

2.17.1 *Entertainment* means live music, live dramatic or comedic performances, concerts, plays, skits, shows, exhibits, fairs, mechanical rides, bungee rides, climbing walls, inflatables, bounce houses, video or computer games, games of skill, and similar performances, activities or attractions intended to provide amusement or recreation for the public.

2.17.2 *Alcohol Beverages* shall mean the sale, service and on-site consumption of alcohol beverages as said phrase is defined and regulated under the DPR Alcohol Policy adopted by the DPR Executive Director and as the Alcohol Policy may be amended from time to time and subject to obtaining and complying with a Liquor License. A copy of the DPR Alcohol Policy is available at the Permit Resource Site.

2.17.3 *Food and Beverage Sales* mean the sale of any food and beverage products (separate from Alcohol Beverages) for public consumption.

2.17.4 *Goods and Services Vending* means the sale of goods and/or services to the public.

2.17.5 *Sporting Activity* means any spectator viewing of athletic events (professional or amateur), athletic skills demonstrations, any sporting or recreational activities which engages participation by the public, boat races (full scale or models) on lakes or ponds in Parks, and similar attractions involving sports or athletic prowess (This does not include any activities under Race/Walks).

2.17.6 *Electronics* mean any electrical or electronic device, display, screen or projection designed to show movies, films or televised events or activities or to provide multi-media displays or shows, laser or LED light displays or shows, or similar image or light displays or shows.

2.17.7 *Animal Shows* mean petting zoos, wildlife demonstrations, pony rides for children, dog and cat shows, animal acts and similar attractions involving live animals but not including any large, exotic, dangerous or vicious animals (This does not include pet parades or runs under Race/Walks).

2.17.8 *Parades* mean any organized march, procession, pageant or line of persons walking or riding non-motorized vehicles along Park Paths or Park Roads (but not a Race/Walk) a) which may require a permit for parades on City streets under Article II of Chapter 54 of the Denver Revised

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Municipal Code because the parade occurs on City streets as well as in a Park or b) which are totally contained in a Park.

2.17.9 *Race/Walks* mean organized foot races or runs (walking, jogging or running), races or organized rides of persons on non-motorized vehicles, pet parades or runs, or similar activity, whether competitive or not, along Park Paths or Park Roads, a) which may be started in a Park and then exit the Park or be started outside of a Park and continue into and through, or finish in, a Park or b) which are totally contained in a Park.

2.17.10 *Admission-Based Events* shall mean the same as defined and regulated under the Admission-Based Events Policy adopted by the DPR Executive Director and as the DPR Admission-Based Events Policy may be amended from time to time. A copy of the DPR Admission-Based Events Policy is available at the Permit Resource Site.

See section 3.6.1 for more specific information about Event Activities and Uses.

2.18 *Event Date* means the date(s) and time(s) on which an Event, including Load-In and Load-Out, is to be held in an Event Site in a Park.

2.19 *Event Permit* means a revocable and nontransferable permit allowing for an Event to be conducted within an Event Site in a Park. See section 3.1 for more specific information about Event Permits.

2.20 *Event Permit Approval* means the written approval granted by the Permitting Office upon the Applicant acceding to or satisfying all the terms and conditions of the Pending Permit Approval and the Requirements of Part V of this Public Event Policy which will be made part of the Event Permit.

2.21 *Event Site* means an outdoor area or open space within a Park at which Events are authorized under this Public Event Policy. See section 3.5.1 for more specific information about Event Sites.

2.22 *Exceptional Activities or Uses* mean any activities or uses that have not historically been common and customary for Events held in Denver Parks or have required special permission. Exceptional Activities or Uses involve, but are not limited to, airplanes, helicopters, drones, model airplanes or helicopters, model rockets, launched projectiles, fireworks, hot air balloons, hang gliding, sky diving, parachuting, parasailing, ski jumping, sledding devices, free (unsecured) climbing, bungee jumping, obstacle courses, extreme sports, mechanical bulls, saddle animals, carnivals, circuses, large tent shows, gun or knife skill demonstrations, paint ball, laser tag, war games or reenactments, trampolines, water slides, swimming, water diving, fishing, and similar activities or uses. Any activities or uses listed above are excluded from Event Activities and Uses listed in Section 2.17. See section 3.6.2 for more specific information about Exceptional Activities or Uses.

2.23 *Extraordinary Event* means a large-scale special event of regional, national or international significance which will occur, at least in part, in a Park or Parks. See section 3.10 for more specific information about Extraordinary Event.

2.24 *Fees* mean the fees as set forth in the Fee Ordinance, as well as other fees, charges and costs identified in this Public Event Policy. See section 3.8 for more specific information about Fees.

2.25 *Fee Ordinance* means Article IV of Chapter 39, DRMC.

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2.26 *Liquor License* means all relevant licenses, permits and approvals issued by state and local authorities authorizing and regulating the sale and service of Alcohol Beverages at an Event.

2.27 *Load-In and Load-Out* means the process and timeframe prior to the start of an Event and following the end of the Event when the Event is being set up in a Park (Load-In) and when the Event is being taken down (Load-Out).

2.28 *Multi-Day Event* means an Event that occurs on multiple days during a single permitting season whether or not the days are consecutive.

2.29 *Park* means a public park under the auspices of DPR containing Event Sites at which Events may be scheduled under this Public Event Policy.

2.30 *Park Paths* means any trail, path or sidewalk, hard surfaced or soft surfaced, located in or along any Park. Park Paths may include portions of regional trails authorized for Race/Walks.

2.31 *Park Roads* means any roadways, driveways or parking lots entering or located in any Park, hard surfaced or soft surfaced, designed for the passage or parking of motorized vehicles, even if closed at any time to such motorized vehicles.

2.32 *Park Use Rules & Regulations* means those rules and regulations adopted by the DPR Executive Director governing public activities, uses and behavior in parks, parkways, mountain parks, recreation facilities, and other public facilities under the auspices of DPR and enforced under Article I of Chapter 39, DRMC.

2.33 *Parks Permitting Ordinance* means Article II of Chapter 39, DRMC.

2.34 *Pending Permit Approval* means the written conditional approval by the Permitting Office of a submitted Application and related requirements and conditions under Part IV of this Policy.

2.35 *Permit Resource Site* means the means by which documents, lists or other resources identified in this Public Event Policy are to be found or obtained. See section 3.11 for list of Permit Resource Sites.

2.36 *Permittee* means an individual or a non-profit or for-profit entity who or which makes Application to, and obtains, an Event Permit from the Permitting Office, for the holding of an Event.

2.37 *Permittee Worker* means any employee, worker, volunteer, contractor, subcontractor, service provider, supplier, vendor, exhibitor, performer, entertainer, athlete or similar person authorized or retained by the Permittee with respect to the operation and function of an Event.

2.38 *Permitting Office* means the DPR Permitting Office, which is the entity that reviews and approves or denies Permit Applications for Events at Event Sites and administers the Event Permits.

2.39 *Priority* means those matters or occurrences listed in section 3.4 which have priority over Events.

2.40 *Priority Event* means a permitted Event that has been held for three consecutive years in the same Park and for the same date/weekend/holiday by the same Permittee. See section 3.9 for more specific information about Priority Events.

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2.41 *Public Event Policy* means the Requirements set forth herein.

2.42 *Requirements* mean the policies, procedures, requirements, restrictions, conditions and rules and regulations set forth in this Public Event Policy and the terms and conditions of an issued Event Permit.

2.43 *Site Diagram* means a map and drawing of the Event Site and other nearby property that will be part of the Event, as further described in section 5.2.1.

2.44 *Special Rules* mean special Requirements imposed by DPR on an Event or on the use of a Park or Event Site for an Event beyond those specifically stated in this Public Events Policy. See section 3.7.1 for more specific information about Special Rules.

2.45 *Support Facilities* mean any structures, furnishings, equipment, and systems brought by Permittee or Permittee Workers into a Park for an Event, including but not limited to toilet and water systems, trash containers, sanitary equipment, power and heat systems, fences, barricades, barriers, booths, tents, canopies, display cases or shelves, tables, seating, show wagons, exhibit trailers, risers, bleachers, podiums, platforms, stages, towers, bandstands, scaffolding, generators, refrigerant units, food and beverage service equipment, sound systems, portable satellite dishes and cell towers, communication or internet connection systems, ATM machines, signage, water and snack stations, and similar and related facilities and appurtenances utilized in support of an Event. See section 5.2.2 for more information about Support Facilities.

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PART III – GENERAL PROVISIONS and REVIEW CRITERIA

3.1 Event Permit:

3.1.1 An Event Permit is required for any Event to be held at an Event Site in a Park and is subject to the Requirements as set forth in this Public Event Policy.

3.1.2 The issuance of an Event Permit is subject to the general provisions and review criteria set forth in this Part III of this Public Event Policy and on the condition that there is compliance with the Requirements in Parts IV, V, and VI of this Public Event Policy.

3.1.3 An approved Event Permit may be exercised on the condition that there is compliance with the Requirements of Parts VI, VII, and VIII of this Public Event Policy and the terms and conditions set forth in the Event Permit.

3.2 Applicability: The Requirements set forth in this Public Event Policy are applicable to: 1) a Permittee and, prior to the issuance of an Event Permit, any Applicant for an Event Permit, 2) any Permittee Worker and any agent or representative of the Permittee, and 3) any Attendee (with respect to rules and regulations set forth in Part VII of this Policy).

3.3 Exclusions: This Public Event Policy shall not be applicable to the following DPR facilities which are regulated by separate permitting processes or other means of use authorization:

- the Denver Zoological Gardens, the Denver Botanic Gardens, Museum of Nature and Science, Four Mile Historic Park, the Gates Tennis Center, Urban Farm, Red Rocks Amphitheater, the Buffalo Bill Museum and Buffalo Bill Gravesite, the portion of Dedisse Park that is administered by the Evergreen Park and Recreation District, and the Winter Park Resort;
- Pahaska Tepee, Echo Lake Lodge, the Trading Post at Red Rocks Park and other concession sites in parks;
- recreation centers and swimming pools;
- special event buildings (including but not limited to Chief Hosa Lodge, Washington Park Boathouse, the Montclair Civic Center (“the Molkery”), the Fleming Mansion, the City Park Pavilion, the Levitt Pavilion, and the Central Park Pavilion);
- athletic fields, basketball courts, tennis courts, and other constructed and designated facilities for the play of sports;
- playing areas of golf courses, golf clubhouses, driving ranges and miniature golf courses;
- campgrounds;
- dog parks;
- natural areas in Parks;
- any other DPR facilities for which a separate permitting or authorizing process has been established to the exclusion of Events or for which a permit under a separate permitting or authorizing process has been issued or is in the process of being issued for a specific location otherwise available for Events; and
- DPR facilities which are reserved, on given date(s) and time(s), for an event or activities by a third party under a contract with the City.

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A Denver Mountain Park is typically excluded from Event permitting under this Public Event Policy unless the DPR Executive Director decides to consider allowing an Event in a Denver Mountain Park in accordance with this Public Event Policy.

3.4 Priority: The following shall have Priority over Events in Parks and Event Sites under this Public Event Policy:

3.4.1 Events or specific activities for which a contract with the City has been entered with respect to a Park or an Event Site in a Park.

3.4.2 Extraordinary Events (see section 3.10).

3.4.3 DPR or City-sponsored or City-conducted events, programs, activities, uses and classes.

3.4.4 Blackout Dates (see section 3.7.2).

3.4.5 Scheduled or proposed sporting activities in, or uses of, areas of Parks, which could be used for both Events and these sporting activities.

3.4.6 Priority Events (see section 3.9).

The Priority items listed in sections 3.4.1 through 3.4.6 shall typically have Priority in the order listed, but the DPR Executive Director reserves the right to determine which has Priority over the other under the circumstances.

3.5 Event Sites and Carrying Capacities.

3.5.1 Event Sites: Events are allowed to be held at Event Sites in certain Parks and are prohibited from being held in other parks. An Event Site may be an entire Park or a portion of a Park, and more than one Event Site may exist in a Park. An Event Site may include non-exclusive access points and routes to or from the Event within a Park. Available Event Sites are identified on an Event Site list at the Permit Resource Site, as such list may be established, modified or updated from time to time by the DPR Executive Director consistent with this Public Event Policy. Factors the DPR Executive Director may consider in establishing the Event Site list include, but are not limited to:

- Athletic field usage (see section 3.4 above);
- Acreage of open space in the park;
- Natural area or other vegetation or turf considerations;
- Availability of parking and public transportation;
- Park classification as a regional, community or neighborhood park; and
- City Council and neighborhood/public input.

3.5.2 Carrying Capacity: An Event is subject to the Carrying Capacity of the Event Site. Carrying Capacity shall be set and modified for each Event Site based on a best practices methodology determined by DPR Staff. The anticipated peak attendance for an Event on any given day may not exceed the Carrying Capacity established for the Event Site. While the Applicant will state a projected peak attendance for the proposed Event in the Application, the ultimate determination as to the anticipated peak attendance is to be made by DPR Staff based on prior attendance for the Event, prior attendance for a similar event, and/or a reasonable estimate based on the available information for the Event. The Carrying Capacity of each Event Site is identified on an Event Site list at the Permit Resource Site, as such list may

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be established, modified or updated from time to time by the DPR Executive Director consistent with this Public Event Policy. Factors the DPR Executive Director may consider in establishing the Carrying Capacity of an Event Site include, but are not limited to:

- Usable open space acreage;
- Natural area or other vegetation or turf considerations;
- Availability of parking and public transportation;
- Park classification as a regional, community or neighborhood park; and
- City Council and neighborhood/public input.

3.6 Event Activities and Uses and Exceptional Activities and Uses:

3.6.1 Event Activities and Uses: Except as otherwise provided in this section 3.6, Events to be held in Event Sites shall be limited to those Event Activities and Uses listed and defined in section 2.17. The DPR Executive Director reserves the right to prohibit or restrict certain Event Activities and Uses at certain Event Sites. To the extent that the DPR Executive Director has determined, as a matter of policy, that certain Event Activities and Uses should be prohibited or restricted at certain Event Sites, the prohibitions and restrictions will be identified on a list at the Permit Resource Site. The DPR Executive Director may also, in considering an individual Application, prohibit or restrict certain Event Activities and Uses at certain Event Sites. Factors the DPR Executive Director may consider in deciding whether to prohibit or restrict certain Event Activities and Uses at certain Event Sites include, but are not limited to:

- Significant adverse impacts of the activity or use on the Park and the surrounding neighborhood;
- Prospect that the activity or use may generate peak attendance in excess of the Carrying Capacity of the Event Site;
- Significant health and safety concerns arising from the nature or extent of the proposed activity or use or resulting from the use, size, location or security of the Event Site;
- Costs and liability associated with the activity or use that may have to be borne by the City;
- Ability or inability to comply with Applicable Law; and
- Ability or inability to develop Special Rules, as provided in section 3.7.1, that will effectively eliminate or mitigate adverse impacts associated with the activity or use.

3.6.2 Exceptional Activities and Uses, as listed and defined in section 2.22, shall not be allowed at an Event unless approved in advance by, and at the discretion of, the DPR Executive Director, who may require public input or other review process in the consideration of the proposed Exceptional Activity and Use. Authorized Exceptional Activities and Uses are subject to the imposition of Special Rules, as provided in section 3.7.1, and any other requirements, restrictions or conditions set forth in this Public Event Policy. Factors the DPR Executive Director may consider in deciding whether to allow, prohibit or restrict a particular Exceptional Activity and Use at a proposed Event include, but are not limited to, those listed in section 3.6.1 and the following:

- Although relatively new to Denver Parks, the activity or use is likely to become an Event Activity and Use in the future;
- The activity or use is reasonably in keeping with Event Activities and Uses which have historically been common and customary for Events in Denver Parks;
- The activity or use will not present unusual or unreasonable dangers or hazards to Park users or the surrounding community;
- The activity or use is incidental to, and a critical part of, an authorized Event Activity and Use; and

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- The Applicant has demonstrated an ability to properly manage and control the activity or use.

3.6.3 If an Applicant wishes to have a new activity or use added to the list of Event Activities and Uses or Exceptional Activities and Uses, a written request justifying the request must be submitted to the DPR Executive Director at least one hundred eighty (180) days in advance of an Event. The proposed new activity or use must be of a nature that it can be characterized as serving a park or recreational purpose and will be a benefit to attendees at the Event and the community, as determined by the DPR Executive Director, who may specify a public input or other review process for considering the proposal. The ultimate decision to include a new activity or use into the list of Exceptional Activities or Uses shall be at the discretion of the DPR Executive Director. Any approved new activity or use may be subject to the imposition of Special Rules, as provided in section 3.7.1. Any approved new activity or use will be allowed under a temporary directive issued by the DPR Executive Director in accordance with section 39-2(g), DRMC, and for a period not to exceed one hundred-eighty (180) days. If the DPR Executive Director finds that the new activity or use should be made permanent, a revision to this Public Event Policy may be made upon completion of a process of public notice and public input and upon presentation to and receipt of a recommendation from the Park and Recreation Advisory Board in accordance with section 39-2, DRMC.

3.7 Special Rules and Blackout Dates.

3.7.1 Special Rules, beyond the Requirements specified in this Public Event Policy, may be considered for an Event depending on circumstances of the specific Park or Event Site or the specific types of Event or as otherwise specified in this section 3.7. The imposition of such Special Rules are not intended to be a basis for denial of an Event Permit (unless the Applicant refuses to accede to the Special Rules) but rather to assure that Applicants satisfactorily address issues or circumstances that warrant the imposition of Special Rules. If a determination is made that the Special Rules should be applicable to an Event, the Special Rules will be set forth in the issued Event Permit. Factors that might trigger the imposition of Special Rules include, but are not limited to:

- Exceptional Activities or Uses proposed for an Event;
- Event Activities or Uses proposed for an Event which the DPR Executive Director determines should be subject to Special Rules;
- The Event is a Multi-Day Event or has a proposed duration of exceptional length in a single day;
- The Event will occur in more than one Park or more than one Event Site in a Park;
- The Event involves unusual, numerous or large Support Facilities;
- The nature and extent of the Event presents the likely potential for exceptional adverse physical impacts upon the Park for which Special Rules are necessary to assure that the Park will be protected or will readily recover from the Event;
- The potential adverse impact of the Event on other park patrons (not attending the Event), including access to and use of various recreational and other facilities located in the Park;
- The potential adverse impact of the Event on other operations in a Park, such as but not limited to a zoo, museum, botanic garden, golf course, and a park concession, as well as any scheduled or ongoing improvement of the Park;
- The potential adverse impact of the Event on nearby residences, schools and businesses;
- The Event will require the closing or restricting access or use of right of way or other City-owned property adjoining or near the Park or Event Site;
- Reasonable concerns arising from the character of the proposed activities or uses at the Event Site;

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- The Event will likely result in significant and unusual restraints or limitations on the right of public attending the Event to enjoy the Event or participate in Event Activities or Uses;
- The Event will result in preferences or privileges being extended to certain attendees or invitees not available to the public at large;
- Availability of lawful parking for the Event within and outside the Park and the impact of off-site parking on surrounding neighborhoods;
- The need to effectively address adverse impacts of amplified sound or noise associated with the Event that is not otherwise adequately addressed under this Public Event Policy;
- If applicable, the ability to control alcohol sales, service and consumption within the Park or the Event Site in a Park in accordance with Applicable Law and the Alcohol Policy;
- If applicable, the ability to manage an Admission-Based Event in accordance with Applicable Law and the Admission-Based Event Policy;
- Special security, health, or safety concerns arising from the type of Event; and
- Special measures needed to assure compliance with Applicable Law.

3.7.2 Blackout Dates: The DPR Executive Director may establish Blackout Dates for Events in Parks. The Blackout Dates for Parks are identified on a Blackout Dates list at the Permit Resource Site, as such list may be established, modified or updated from time to time by the DPR Executive Director consistent with this Public Event Policy. Factors that the DPR Executive Director may consider in determining Blackout Dates for Events in Parks include, but are not limited to:

- Protecting a Park from potential overuse due to numerous Events or activities or uses in the Park;
- Allowing downtime for a Park to recover from actual overuse, damage or unusual wear and tear or from adverse weather conditions such as drought or heavy rains;
- Performing deferred maintenance or scheduled repair or construction work;
- Preparing a Park for an upcoming Event or other scheduled activity or use;
- Assuring that the surrounding community is not overburdened by an excessive number of Events at an Event Site or is allowed sufficient recovery time from a large Event at an Event Site;
- Avoiding interference with an Event occurring in a nearby Event Site;
- Closure or use restrictions of a Park or Event Site due to pressing health, safety, and welfare considerations.

3.7.3 In establishing Special Rules and Blackout Dates, the DPR Executive Director may consider input from stakeholders and other interested parties, including but not limited to City staff, professionals retained by the City, City Council members, Event holders, and members of the public and, if the DPR Executive Director deems it appropriate, recommendations from the Parks and Recreation Advisory Board.

3.8 Fees: The types and amounts of Fees payable by Applicant under this Public Event Policy are set forth in a Fees list at the Permit Resource Site, as such list may be developed, modified or updated from time to time by the DPR Executive Director consistent with this Public Event Policy and the Fee Ordinance. The Fees must be paid in the form and by the deadlines set forth at the Permit Resource Site. Pending Permit Approval and Event Permit Approval are dependent on the payment of the Fees prescribed for each approval. Fees are not assignable and will only be refundable to the extent specified at the Permit Resource Site.

3.9 Priority Event:

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3.9.1 Current Qualification as a Priority Event: A Permittee who has held the same Event at the same Park on the same date/weekend/holiday for two (2) consecutive years or more on or prior to December 31, 2016, shall be regarded as having a Priority Event. No other Permittees shall be regarded as having a Priority Event as of the effective date of this Public Event Policy.

3.9.2 Future Qualification as a Priority Event: A Permittee who has held an Event in a Park in 2016 and who obtains an Event Permit and conducts the same Event at the same Park on the same date/weekend/holiday in 2017 and 2018 shall be regarded as having a Priority Event. Any other Permittee must hold the same Event at the same Park on the same date/weekend/holiday for three (3) consecutive years in order to obtain status of a Priority Event.

3.9.3 Disputes as to Qualification: Any issues as to whether the Event is the same as the one held last year; or whether the Park is the same as last year's Park (including whether an Event Site in the Park is the same); or whether the date/weekend/holiday is the same as last year's, shall be determined at the discretion of the DPR Executive Director.

3.9.4 Limits on Priority; Conflicts: A Priority Event shall be subject to the Priorities set forth in section 3.4. Any conflicts in Priority, as set forth in section 3.4, or between Priority Events shall be resolved as the DPR Executive Director determines appropriate. In the event of a conflict, the DPR Executive Director reserves the right to decide whether a Priority Event should be relocated to a new Park or new Event Site or should be rescheduled to a new Event Date. If a Priority Event is relocated or rescheduled at the direction of the DPR Executive Director, the holder of the Priority Event right will retain status as a Priority Event subject to any changes the DPR Executive Director may specify with respect to the location and/or the Event Date of the Priority Event.

3.9.5 Status Retained: So long as the Permittee holding status as a Priority Event complies with all of the Requirements of this Public Event Policy, including obtaining an Event Permit and conducting the Event for each and every consecutive year, the Priority Event shall maintain priority over all other Events being proposed for the same Park and the same date/weekend/holiday as the Priority Event. Denial of a Pending Permit Approval or an Event Permit Approval shall result in a termination of the status of the Priority Event right unless otherwise determined by the DPR Executive Director after the submittal of a written appeal by the Permittee. Holding a status as a Priority Event only gives the Permittee rights as against other non-Priority Events but creates no entitlement as against the City or DPR.

3.10 Extraordinary Events: In accordance with the Priorities set forth in section 3.4, the DPR Executive Director may reserve a Park or Parks for an Extraordinary Event, notwithstanding the Requirements of this Public Event Policy. Any conflict with scheduled Events, Priority Events or other matters listed in section 3.4, shall be resolved as the DPR Executive Director determines appropriate. In the event of a conflict, the DPR Executive Director reserves the right to decide whether a scheduled Event, a Priority Event or other matter listed in section 3.4 should be relocated to a new Park or new Event Site or should be rescheduled to a new Event Date.

3.11 Permit Resource Site: The means by which documents, lists and resources identified in this Public Event Policy may be found or obtained:

3.11.1 A DPR website located at Denvergov.org/permits;

3.11.2 A request for electronic copies sent to park.permits@denvergov.org;

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3.11.3 Direct pick-up at the Permitting Office located in the Wellington E. Webb Municipal Building, 201 West Colfax Avenue, 1st Floor, Denver, Colorado; and

3.11.4 Any other means selected by the DPR Executive Director to make such documents, lists and resources available to the public.

3.12 City Agencies:

3.12.1 General: As a condition of obtaining and retaining an Event Permit under this Public Event Policy, the Applicant must obtain and comply with all permits, licenses, authorizations and other approvals required from City Agencies with regulatory jurisdiction over various aspects of the Event and with operational jurisdiction over City-owned or –controlled property which may be impacted or used by an Event. If a business license or other permit or approval are required from the Denver Department of Excise & Licenses for the Event, the Permittee shall obtain, pay for, and keep in effect any such license.

3.12.2 Regulatory Approvals: An Application and other information submitted by an Applicant seeking an Event Permit are subject to review and approval by City Agencies other than DPR depending on the nature and extent of the Event, and potential Event impacts on the services and resources provided by those City Agencies, on City property other than Parks, on traffic impacts, on the health and safety of citizens, and on neighboring residents and/or businesses to the Event Site. Additional information may be required if the Permitting Office or the City Agencies deem it necessary or appropriate to assess impacts and actions needed to avoid or mitigate those impacts. All requested information is to be provided by the Applicant within the time frames prescribed by the Permitting Office or the City Agencies. Such City Agencies’ reviews shall be conducted in accordance with City ordinances and established standards, practices, guidelines, requirements and rules and regulations of these City Agencies. Pending Permit Approval and/or Event Permit Approval may be denied or conditioned based upon the conclusions reached by the Permitting Office and the City Agencies following review of the Applications and the information provided by the Applicant.

3.12.2 Right of Way or other City Property: An Event may require the occupancy or use of public right of way or other City-owned property in the vicinity of the Park in which an Event will be held. The Permittee must comply with all requirements, procedures and rules and regulations as set forth in this Public Event Policy in addition to established standards, practices, guidelines, requirements, rules and regulations and/or fee requirements of the City Agencies related to right of way or other City property.

3.12.2.1 Public Right of Way: The Applicant for an Event Permit shall make application and obtain any street occupancy permit and any other permit or license required by the Denver Department of Public Works (“**Public Works**”) for the closure and use of any right of way under the jurisdiction of Public Works. This closure and use includes parking, traffic control and Load-In and Load-Out. All permit requirements imposed by Public Works shall be complied with and all fees and charges required by Public Works shall be paid for, in addition to the requirements and Fees of DPR under this Public Event Policy.

3.12.2.2 Other City Property: The Applicant for an Event Permit shall likewise make application and obtain any permits or licenses required by City Agencies for any City property to be used in conjunction with the Event. The City Agencies with jurisdiction over such City property include, but are not limited to, Facilities Management, Arts & Venues, Safety, and the Denver Public Library. This occupancy or use includes those for Load-In and Load-Out. All

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permit requirements imposed by a City Agency for use of its property shall be complied with and all fees required by said City Agency shall be paid for, in addition to the requirements and Fees of DPR under this Public Event Policy.

3.12.2.3 Differences: It is presumed that any differences in the requirements of this Public Event Policy and the permit or license requirements of City Agencies other than DPR can be reconciled and made compatible. The fact that Fees are charged under this Public Event Policy while fees and charges are also by the City Agencies other than DPR for their permits or licenses shall not be regarded as being any kind of a conflict. To the extent that there are irreconcilable differences between this Public Event Policy and the permits or licenses of City Agencies other than DPR, the requirements of the permits or licenses of City Agencies other than DPR shall control as to right of way and other City-owned property other than Parks.

3.13 Disability Laws: In making an Application and in the exercise of any issued Event Permit, the Applicant/Permittee shall not take any action contrary to, and shall comply with, all federal, state and local laws and rules and regulations protecting the disabled and developmentally challenged. This shall include the Americans with Disabilities Act, Article IV of Chapter 28, DRMC, and other laws protecting the right of access for disabled people in wheelchairs and other mobility assisted devices, the use of trained service animals, and other rights of the disabled and developmentally challenged to enjoy parks and to participate in Events held in Parks. If required by the Permitting Office, the Applicant/Permittee shall demonstrate how compliance with the requirements of this section 3.13 will be achieved.

3.14 Non-City Property: Should the Applicant for an Event Permit desire to utilize property owned by private individuals or entities, the federal government, the State of Colorado, Denver Public Schools, or special districts for the conduct of an Event, the Applicant shall be responsible for obtaining such approvals or authorizations from those non-City parties.

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PART IV – APPLICATION AND PENDING PERMIT APPROVAL

4.1. Pre-Application: Prior to submitting an Application, the Applicant should become familiar with this Public Event Policy and direct any questions to the Permitting Office as the Application is prepared. The Applicant shall be responsible for being knowledgeable about the Public Event Policy and the Application requirements of this Part IV of the Public Event Policy.

4.2 Application:

4.2.1 Basic Requirements: An Application for an Event Permit must be submitted on the Application form available at the Permit Resource Site and must be fully completed, signed, dated and submitted to the Permitting Office by the deadlines prescribed in this Part IV of the Public Event Policy. Only one Application will be accepted for any single Event including Multi-Day Events.

4.2.2 Legal Effect of an Application: Submittal of an Application creates no entitlement to the issuance of an Event Permit and does not result in a reservation of an Event Date for an Event or an Event Site.

4.2.3 Activities and Uses: The Applicant must identify and describe in the Application all proposed Event Activities and Uses and any proposed Exceptional Activities and Uses on the Application. The Permitting Office may require additional information from the Applicant in order to evaluate these proposed activities and uses in light of the Requirements of section 3.6, the Special Rules requirements of section 3.7.1, and other parts of this Public Event Policy.

4.2.4 Completion and Signatures: An Application shall not be deemed complete and ready for acceptance by the Permitting Office until correct and complete information required in the Application form and under this Part IV of the Public Event Policy has been provided to the Permitting Office. The Application must be signed, either electronically or manually, and dated. Electronic signatures shall be in the form specified at the Permit Resource Site.

4.2.5 Fees: Any Fees, as specified under section 3.8, which are due at the time of Application or at acceptance, as provided in section 4.2.6, must be submitted to the Permitting Office as specified at the Permit Resource Site.

4.2.6 Acceptance: An Application will be accepted by the Permitting Office unless it is rejected as provided in section 4.2.7. The Permitting Office shall have a reasonable period of time, as specified at the Permit Resource Site, for reviewing the Application for acceptability. Acceptance means that the Application will be processed as provided in this Part IV of the Public Event Policy and does not constitute Pending Permit Approval of the Application.

4.2.7 Rejection: An Application may be rejected for any of the following reasons:

- The Application is incomplete or inaccurate in any aspect material to the review of the Application.
- The Application is not signed by the Applicant.
- The Applicant does not meet the qualifications or does not have the authority required under section 4.2.9.

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- The Entity Applicant, as identified under section 4.2.9, is not registered with the Secretary of State.
- The Application is submitted less than sixty (60) days prior to the Event Date requested in the Application.
- Any Fees required at the time of Application submittal or acceptance were not paid.
- The park at which the Applicant proposes to hold an Event is not an authorized Event Site as provided in section 3.5.1 or is closed.
- The primary or predominant Event Activities and Uses listed on the Application are not allowed at the requested Event Site in a Park under section 3.6.1 (any secondary or subsidiary Event Activity and Use identified on the Application that is not allowed at the requested Event Site in a Park may be rejected without rejecting the Application).
- The primary or predominant Event Activity and Use identified on the Application is not one of the listed Event Activities and Uses under section 2.17 (any secondary or subsidiary Event Activity or Use identified on the Application but not listed in section 2.17 may be rejected without rejecting the Application).
- A proposed Exceptional Activity or Use which is the primary or predominant activity or use identified on the Application does not qualify as an Exceptional Activity or Use, as defined in section 2.22 (any proposed Exceptional Activity or Use which is a secondary or subsidiary activity or use identified on the Application that does not qualify as an Exceptional Activity or Use may be rejected without rejecting the Application).
- The Event Dates requested for the proposed Event in a specified Event Site in a Park are not available due to a Priority under section 3.4.
- The Event Dates requested for the proposed Event in a specified Event Site in a Park are not available due to the Event Site already being reserved for another Event or is in the process of being reserved for another Event.
- The projected peak attendance for an Event exceeds the Carrying Capacity of the proposed Event Site in a Park, as provided in section 3.5.2.

Any rejection, including the reasons for the rejection, will be sent to the mail or email address that the Applicant puts on the Application. Upon rejection and subject to such deadlines prescribed in this Part IV, the Applicant may correct or update and re-submit a revised Application that satisfactorily resolves the stated grounds for rejection. Any Event Date or Event Site requested in the original Application will not be withheld from other applicants during the interim.

4.2.8 Amendments: Any substantive amendments to an Application (meaning any amendment affecting the Permitting Office to accept or deny) after acceptance by the Permitting Office and prior to Pending Permit Approval or denial must be provided in writing to the Permitting Office by the deadline set forth at the Permit Resource Site. The Permitting Office shall determine whether the proposed

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amendments can be timely reviewed or are otherwise acceptable under the Public Event Policy. Amendments may result in a fee charged to the Applicant for changes.

4.2.9 Applicant Qualifications and Authority: An Applicant may be an unincorporated association represented by an individual person or an individual person acting on his or her own behalf (“**Individual Applicant**”) or a non-profit or for-profit corporate entity (“**Entity Applicant**”).

4.2.9.1 Individual Applicant: An Individual Applicant must be at least 18 years of age. The Individual Applicant must be competent, under the law, to commit to perform any obligations set forth in this Public Event Policy. The Applicant may be required to present a government issued picture identification, preferably a driver’s license. The Individual Applicant may be represented by an agent in preparing and submitting an Application, but the Individual Applicant in whose name the Event Permit will be issued must be named as the Applicant on the Application.

4.2.9.2 Entity Applicant/Entity Representative: An Entity Applicant must be registered with the Colorado Secretary of State and in good standing. An Entity Applicant which seeks to obtain any non-profit discount on Fees must be qualified, or in the process of qualifying, as a section 501(c)(3) entity under the Internal Revenue Code or have registered with the City as a Registered Neighborhood Organization under section 12-94, DRMC. The Entity Applicant must have an identified representative, at least 18 years of age, who will be responsible for performing and complying with the Application process as set forth in this Public Event Policy (“**Entity Representative**”). The Entity Representative must be an employee, a board member, or an agent of the Entity Applicant and may be required to provide documented evidence in the form of a letter on the Entity Applicant’s letterhead and signed by an authorized employee or officer of the Entity Applicant to the Permitting Office that the Entity Representative has the authority to act on behalf of the Entity Applicant and may be replaced or substituted only upon written authorization by the Entity Applicant presented to the Permitting Office. The Entity Representative must be competent, under the law, to commit the Entity Applicant to perform any obligations set forth in this Public Event Policy. The Entity Representative may be required to present a government issued picture identification, preferably a driver’s license. The Entity Applicant, in which name the Event Permit will be issued, must be named and fully and correctly identified as the Applicant on the Application.

4.3 Timing and Priority: Applications are to be submitted for Event Permits in accordance with the schedule as set forth at the Permit Resource Site. Applicants are advised to submit Applications as soon as allowed on the schedule at the Permit Resource Site in order to assure the best prospects for scheduling an Event at the Applicants’ preferred Event Date and Event Site.

4.3.1 Priority Event: An Applicant who qualified for a Priority Event under section 3.9 must submit an acceptable Application, as required by section 4.2.6, by the deadline set forth at the Permit Resource Site in order to assure that the Priority Event status is preserved. Applications for Priority Events submitted and accepted by this deadline will be given priority over non-Priority Event Applications. An Applicant who qualified for a Priority Event under section 3.9 but fails to submit an Application or an acceptable Application by the deadline shall not have priority over non-Priority Event Applications which are submitted and accepted for the same Event Date and the same Event Site. In this case, the Event Date and Event Site will then be made available to non-Priority Events, per section 4.3.2, unless such date(s) are deemed to be a part a rest period for the specific park. If the date is made available for non-Priority Events, and the Applicant who previously qualified for a Priority Event is the

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first to submit an Application and obtains the date as a non-Priority Event, then the Applicant shall retain Priority status for the Event Date and Event Site.

4.3.1.1 In the case where a Priority Event is related to the observance of and based upon a City, State or Federally observed Holiday (e.g. Cesar Chavez Day or Easter Sunday) conflicts with a Priority Event based upon a date (i.e. fourth Monday in March or first Sunday in April), the Holiday Priority Event takes precedent. The Priority Event based upon a date will retain its Priority Event status for either their initial date and/or location if or when it becomes available, or for the new date and/or location, at the Event's option.

4.3.2 Non-Priority Event: Any Applicant may submit an acceptable Application, as required by section 4.2.6, in accordance with the schedule set forth at the Permit Resource Site. In any case, an Applicant must submit an acceptable Application, as required by section 4.2.6, no later than sixty (60) days prior to the proposed Event Date. Application submitted later than sixty (60) days prior to the proposed Event Date will not be accepted. Any Application for a non-Priority Event shall be subordinate to any Priority Event for which an Application has been submitted and accepted under Section 4.3.1. Applications for these non-Priority Events will be considered, and prioritized, in the order received.

4.4 Pending Permit Approval:

4.4.1 General Provisions: Upon acceptance of the submitted Application, the Permitting Office will complete an evaluation of the Application to determine if Pending Permit Approval is warranted. The evaluation shall be based on the criteria contained in Part III of this Public Event Policy and the Requirements set forth in Part IV of this Public Event Policy. Pending Permit Approval will be granted by the Permitting Office unless Pending Permit Approval is denied as provided in section 4.4.3.

4.4.2 Fees: Any Fees, as specified under section 3.8, which are due upon Pending Permit Approval must be submitted to the Permitting Office as specified at the Permit Resource Site. Failure to pay the required Fees shall result in the denial of the Pending Permit Approval, or if the Fees are due after Pending Permit Approval, in the rescission of the Pending Permit Approval.

4.4.3 Denial of Pending Permit Approval: Pending Permit Approval for an Application may be denied due to any of the following reasons:

- A reason for rejecting an Application under section 4.2.7 has been subsequently discovered after acceptance of the Application, and the reason for rejecting has not rectified or resolved by the Applicant, after written notice, to the reasonable satisfaction of the Permitting Office within seven (7) days notice.
- The Application or other information or documentation provided by the Applicant contains materially incorrect, false or misleading information, unless cured within seven (7) days after notice of the deficiency.
- The Applicant has not provided required or requested, material information or documentation, unless cured within seven (7) days after notice of the deficiency.
- A City Agency, in its review of the Application and other information or documentation provided by the Applicant, has recommended denial of the Pending Permit Approval based on the inability or failure of the Applicant to satisfy Applicable Law or established standards, practices,

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guidelines, requirements and rules and regulations of the City Agency which are applicable to, and a substantive part of regulating, the conduct of the proposed Event or which are applicable to the use of other City property needed for the Event, unless cured within seven (7) days after notice of the deficiency.

- A City Agency has recommended denial of the Pending Permit Approval based on the lack or unavailability of City resources needed to assure public safety.
- An Exceptional Activity or Use proposed for the Event has been denied under section 3.6.2 and the Exceptional Activity or Use is the primary or overriding purpose of the Event (any proposed Exceptional Activity or Use which is a secondary or subsidiary activity or use proposed for the Event may be rejected without denying the Pending Permit Approval).
- The Applicant has been cited, ticketed, fined or arrested for a violation of Applicable Law related to a prior Event and cannot demonstrate that the violation can be and will be rectified or resolved, including the payment of any fine or penalty, unless cured within seven (7) days after notice of the deficiency.
- The Applicant owes money to the City for prior damage to a Park or other City property resulting from or related to an Event, unless cured within seven (7) days of notice of the deficiency.
- The Applicant has substantial (\$500.00 or more) unpaid and delinquent debts to the City, unless cured within seven (7) days after notice of the deficiency.
- An amendment proposed by the Applicant under section 4.2.8 is determined to have been submitted too late or is not acceptable under the Public Event Policy, and the amendment is an essential or important component of the Application (if the amendment is not an essential or important component of the Application, it may be rejected without denying the Pending Permit Approval).

4.4.4 Notification: The Applicant will be notified as to whether Pending Permit Approval has been granted or denied and, if denied, the reasons therefore. Pending Permit Approval is evidenced by a Pending Permit Approval invoice and associated requirements document sent to the mail or email address that the Applicant puts on the Application.

4.4.5 Special Rules and Other Requirements: The Permitting Office may include in the Pending Permit Approval such Special Rules or other Requirements that it thinks are appropriate based on Parts III and IV of the Public Event Policy or any Requirements that are likely to be applicable to the proposed Event under Parts V and VI of the Public Event Policy. The failure to include such Special Rules or other Requirements in the Pending Permit Approval shall not foreclose the right of the Permitting Office to require the Applicant to take such actions as deemed appropriate to address the Special Rules and other Requirements and to include such in the Event Permit Approval.

4.4.6 Legal Effect of Pending Permit Approval: The Pending Permit Approval creates no entitlement to the issuance of an Event Permit and only results in a tentative reservation of an Event Date and an Event Site until Event Permit Approval is granted or denied. Nothing contained in the Pending Permit Approval limits the right of the Permitting Office to add, delete or change terms and conditions in the Event Permit Approval in accordance with this Public Event Policy.

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4.5 Indemnification, Affirmation & Effect:

4.5.1 Indemnification & Affirmation: Every Application shall contain the following provision to which the Applicant indicates agreement and acquiescence by signing the Application and, if eventually approved for an Event Permit, by accepting an Event Permit:

“With respect to an event proposed to be held or actually held in a Denver park, applicant/permittee will indemnify and defend the City and County of Denver, its appointed and elected officials, employees, volunteers, and agents (the “**Indemnitees**”) against any losses, damages, liabilities, claims, suits, actions, causes of action, costs and expenses that any or all Indemnitees may suffer, incur, or sustain or for which any or all Indemnitees may become liable resulting from, arising out of, or relating to any negligence or intentional misconduct by the applicant/permittee or the applicant/permittee’s officers, employees, workers, volunteers, suppliers, service providers, contractors, vendors, agents or other persons or entities under the direction or control of the applicant/permittee.

I do solemnly swear (or affirm) that all answers given and statements made on this application are complete and accurate to the best of my knowledge and that I have read and understood, and hereby acknowledge my voluntary consent to, the Public Event Policy.”

4.5.2 Effect: Submission of a signed Application shall be deemed as proof of the Applicant’s acceptance of, and willingness to comply with, the Public Event Policy and the Event Permit (if one is issued).

THE PERMITTEE SHOULD REFER TO THE MISCELLANEOUS LEGAL PROVISIONS OF PART VIII OF THIS PUBLIC EVENT POLICY WITH RESPECT TO OTHER LEGAL ASPECTS OF APPLICATIONS AND PENDING PERMIT APPROVAL.

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PART V – EVENT PERMIT APPROVAL

5.1 General Provisions: Upon receiving Pending Permit Approval from the Permitting Office, the Applicant must faithfully and fully complete, at the Applicant's own expense, the following Requirements prior to Event Permit Approval:

5.1.1 Satisfaction of Requirements: All of the Requirements itemized in the Pending Permit Approval invoice and associated requirements document (see section 4.4.4) and set forth in this Part V and in Part VI (to the extent applicable) must be fully satisfied by the Applicant prior to Event Permit Approval which must occur at least twenty-one (21) calendar days prior to the start of the Event Date.

5.1.2 Coordination with City Agencies: The Applicant shall be responsible for fully and timely coordinating and collaborating with the Permitting Office, any DPR Staff, and/or City Agencies. A meeting with the City Agencies may be required prior to or following Pending Permit Approval to review all remaining requirements applicable under Part V and Part VI of this Public Event Policy. The Applicant is recommended to be prepared to address these requirements.

5.1.3 Other Permits or Licenses: All permits or licenses required by City Agencies, including DPR, for the Event must be obtained and complied with. The Applicant may be instructed to provide copies of any or all permits and licenses to the Permitting Office, DPR Staff and specific City Agencies within deadlines as required by the Permitting Office and the City Agencies. Permits and licenses include, but are not limited to street occupancy permits, permits or approvals allowing the use of other City-owned or –controlled property, Liquor License, permits issued by the Fire Department, and permits to sell food and beverages.

5.1.4 Amendments to the Pending Permit Approval: Any substantive amendments the Applicant wishes to make to the Pending Permit Approval must be provided in writing to the Permitting Office prior to Event Permit Approval. The Permitting Office shall determine whether the proposed amendments can be timely reviewed or are otherwise acceptable under the Public Event Policy. If the Permitting Office determines there is not adequate time to review the amendments or the amendments are otherwise unacceptable under the Public Event Policy, the Permitting Office may reject the amendments. If the Permitting Office determines there is adequate time and that the amendments are acceptable under the Public Event Policy, the Permitting Office may proceed to review the amendments, subject to the timely payment by the Applicant of any Fee required for such an amendment set forth at the Permit Resource Site and the Requirements of this Part V of the Public Event Policy.

5.2 General Requirements: An Applicant for any Event Permit shall be responsible, at the Applicant's own expense, for satisfying the following, if required by the Permitting Office or a City Agency by the deadline specified in section 5.2.8:

5.2.1 Site Diagram: If required, the Applicant must prepare a Site Diagram which must be presented to DPR and other City Agencies designated on the Pending Permit Approval by the deadline specified on the Pending Permit Approval.

5.2.1.1 Site Diagram for Event: A map of the location where the proposed Event will be held shall show or depict: a) boundaries of the entire footprint of the Event including the Event Site, other park property, public right of way or other City-owned property, and private property, if all of these are proposed to be occupied or used for the Event; b) the geographical layout and labeling of Support Facilities, as specified in section 5.2.2, for the Event; c) the location(s) of

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access points for the purpose of Load-In and Load-Out; d) the location(s) of public access to the Event Site; e) the location(s) of fencing or other barricades to be installed for the Event; and f) the location and layout of any other facilities and items specified in the Plans under Section 5.2.5, if physically located within the area depicted by the Site Diagram. The Applicant must comply with any technical requirements for a Site Diagram specified in the Pending Permit Approval and/or as set forth at the Permit Resource Site.

5.2.1.2 Site Diagram for Parade or Race/Walk: In addition to the applicable requirements for Site Diagrams for Events, a map of the location where a proposed Parade, as defined in section 2.17.8, or a proposed Race/Walk, as defined in section 2.17.9, will be held showing the route for the Parade or Race/Walk, the start/finish points and/or any entry and exit points from the Park as well as the location of all Support Facilities.

5.2.1.3 Corrections: The Applicant shall make such corrections to the Site Diagram as required by the Permitting Office and City Agencies and resubmit the corrected Site Diagram to the Permitting Office and City Agencies by the deadline specified in section 5.2.8.

5.2.1.4 Requested Changes: It is the responsibility of the Applicant to promptly and accurately inform the Permitting Office and the City Agencies of any proposed changes to the Site Diagram by the submittal of a revised Site Diagram by the deadline specified in section 5.2.8.

5.2.1.5 Required Revisions: The Permitting Office and other City Agencies may require revisions to the submitted Site Diagram and to any proposed changes of a Site Diagram in order to assure compliance with the Requirements of this Public Event Policy and the Pending Permit Approval. These required revisions must be submitted by the deadline specified in section 5.2.8.

5.2.1.6 Approval: All Site Diagrams, including corrections, changes and revisions, are subject to the review and approval of the Permitting Office and the City Agencies. A Site Diagram may be rejected if it is inaccurate, incomplete or does not conform to this section 5.2.

5.2.2 Support Facilities:

5.2.2.1 General: The Applicant is responsible, at its own expense, for supplying, arranging for the transportation, installation, operation, maintenance, dismantling, and removal of all Support Facilities, as defined in section 2.45 and as further provided in this section 5.2.2 and elsewhere in this Public Event Policy. The Applicant is also responsible, at its own expense, for the retention and supervision of the Permittee Workers to perform this work and to staff the Support Facilities.

5.2.2.2 City Support Facilities: Any Support Facilities owned or managed by DPR or City Agencies that are located within the Event Site or elsewhere in the Park or other City-owned property may not be used for the Event unless advance written approval is granted by DPR and the City Agencies.

5.2.2.3 Compliance: All Support Facilities must be safe, serviceable, and of adequate numbers and functionality to appropriately support the Event. The Applicant must comply with any requirements for Support Facilities specified in the Pending Permit Approval and/or set forth at the Permit Resource Site. If requirements are not specified there or if there is a reference to a

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Support Facilities Plan, then the Applicant must prepare such a Plan and submit it for approval under section 5.2.5. The installation, operation and removal of Support Facilities must be in accordance with the approved Plans under Section 5.2.5 of this Policy and the approved Site Diagram. Requirements for the safety, stabilization or securing of certain Support Facilities may be provided to the Applicant separately.

5.2.2.4 Rentals: To the extent that the Applicant rents or leases Support Facilities for use at an Event, the Applicant shall be responsible for arranging and paying for such rentals or leases. Copies of the executed rental or lease contract, or other document acceptable to the Permitting Office, and proof of deposit for any rented or leased Support Facilities must be delivered, upon request, to the Permitting Office by the deadline specified in section 5.2.8.

5.2.3 Power & Heat:

5.2.3.1 Basic Service: The Applicant may have access to any electrical system in the Park where the Event Site is located for power and heating systems, connections and service, provided that the electrical system in the Park is adequate for the needs of the Event. The cost and payment requirements for the electrical service will be as stated at the Permit Resource Site and must be paid to the Permitting Office prior to Event Permit Approval.

5.2.3.2 Sub-Metered Service: If so required by the Permitting Office, the Applicant shall arrange, at its own expense, for any special electrical connection or service and for sub-metering electrical usage for the Event. The Applicant shall pay for the sub-metered electrical service and provide, upon request, the Permitting Office with receipts showing that all bills for electrical service at the Event were paid within thirty (30) calendar days following the Event Date.

5.2.3.3 Other Service: If the electrical service in the Park is not adequate for the Event, then all or some portion of the required electrical needs for the Event must be provided through generators or other electrical connections arranged by the Applicant at its expense. Any such electrical service facility will be regarded as a Support Facility under this section 5.2.2. The Applicant shall obtain and pay for any permits, licenses, or approvals for the installation and operation of generators and other electrical connections, which must be installed and operated in accordance with this Public Event Policy and Applicable Law. Proof of adequate arrangements for such electrical service must be submitted, upon request, to the Permitting Office by the deadline specified in section 5.2.8.

5.2.4 Security:

5.2.4.1 After-Hours Security: Security is required for the duration of the Event any time that Event staff are not at the Event Site or Support Facilities are unattended. After-hours security must be provided by private security companies that are merchant guard licensed and bonded and insured or by off-duty law enforcement officers. An exception to this after-hours security requirement may be granted by the Permitting Office if only portable toilets and fencing are on site during after-hours. The Applicant shall be responsible for arranging and paying for after-hours security and meeting the requirements for after-hours security specified at the Permit Resource Site, in this Public Event Policy and under Applicable Law. No bailment or other duty to protect items left in a Park during an Event is created or exists on the part of the City or DPR. Any after-hours security arrangements must be demonstrated to the Permitting Office by the deadline specified in section 5.2.8.

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5.2.4.2 Alcohol Security: Alcohol security is required for all Events at which the sale or service of Alcohol Beverages, as defined in section 2.17.2, is authorized. Alcohol security must be provided by off-duty officers of the Denver Police Department and must be in place during all hours the Event is open to the public. An exception to the requirement that off-duty officers of the Denver Police Department provide alcohol security may be granted by the DPR Executive Director upon the Applicant demonstrating, to the satisfaction of the DPR Executive Director, that an adequate alternative system of alcohol security will be provided. The Applicant shall be responsible for arranging and paying for alcohol security and meeting the requirements for alcohol security specified at the Permit Resource Site, in this Public Event Policy and under Applicable Law. Any alcohol security arrangements must be demonstrated to the Permitting Office by the deadline specified in section 5.2.8.

5.2.4.3 Other Required Security: In addition to any other security requirements, the DPR Executive Director may require that Park Rangers be retained for an Event if the DPR Executive Director determines that the nature, size, duration, or activities of the proposed Event will necessitate extra efforts in order to assure compliance with, and enforcement of, the Part VII Rules and Regulations of this Public Event Policy, the Parks Permitting Ordinance, the Park Use Rules & Regulations, and/or the ordinances set forth in Article I of Chapter 39, DRMC (“Enforcement of [Park Use] Rules and Regulations”). The Park Rangers will have full enforcement authority under the above-listed ordinances and rules and regulations for the Events; however, because Park Rangers are not police officers and are not armed, they will defer to the Denver Police Department for enforcement of criminal laws. The Applicant will be responsible for paying DPR twenty-one (21) calendar days prior to the Event Date for the services of the Park Rangers, as required and at the rates specified at the Permit Resource Site and prior to Event Permit Approval.

5.2.4.4 Recommended Security: The Applicant is urged to consider retaining security by private security companies that are merchant guard licensed and bonded and insured or by off-duty law enforcement officers even when not required by this section 5.2.4. The fact that security may not be required by this Public Event Policy shall not lessen, modify or eliminate the responsibilities and liabilities of the Applicant under this Public Event Policy and the Event Permit.

5.2.5 Plans: One or more of the following plans may be required for an Event. The Applicant must consult with DPR Staff and the appropriate City Agencies for specific instructions on the detailed requirements for each plan and the process and deadlines for obtaining plan approvals from DPR Staff and the City Agencies. The submitted plans must comply with the Requirements of this Public Event Policy and Applicable Law. Submittal of a particular plan to DPR Staff and the appropriate City Agency or Agencies does not mean that the required approval for the plan or any permit or license required by the City Agencies has been obtained. The fact that any or all plans are approved by DPR Staff and the appropriate City Agencies or that all required permits or licenses have been obtained does not lessen, modify or eliminate the obligation of the Applicant to comply with all other Requirements specified in this Public Event Policy. DPR and the City Agencies reserve the right to approve, disapprove, or require modifications to any of the following plans as a condition of the Event Permit Approval. Any proposed changes to the approved plans must be timely submitted to the DPR Staff and the appropriate City Agencies for review and approval, but shall not be regarded as being in effect unless approved in writing by the DPR Staff and the appropriate City Agencies by the deadline specified in section 5.2.8.

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- 5.2.5.1 Traffic control plan
- 5.2.5.2 Parking/alternative transportation plan
- 5.2.5.3 Bicycle corral plan
- 5.2.5.4 Fire safety protection plan
- 5.2.5.5 Emergency services plan (including medical services)
- 5.2.5.6 Load-In/Load-Out plan
- 5.2.5.7 Alcohol Beverage plan (including locations and hours of service)
- 5.2.5.8 Signage plan and standards
- 5.2.5.9 Amplified sound/noise mitigation plan
- 5.2.5.10 Neighborhood notification plan
- 5.2.5.11 Turf, vegetation, irrigation and park amenity protection plan
- 5.2.5.12 Vendor list
- 5.2.5.13 Security plan
- 5.2.5.14 Sustainability plan
- 5.2.5.15 Other plans as may be required by the City Agencies.

5.2.6 Special Rules: Special Rules, may be imposed in an Event Permit Approval as specified in section 3.7.1. The DPR Executive Director may consider any mitigation measures that are reasonably available to reduce or eliminate adverse impacts and other negative factors that may arise as part of the evaluation of the criteria set forth in section 3.7.1. As a result of this evaluation, the DPR Executive Director may impose such terms and conditions or Special Rules as the DPR Executive Director deems appropriate under the circumstances. The Applicant shall be responsible for paying all costs associated with implementation of, or compliance with, the terms and conditions or Special Rules.

5.2.7 Initial Walk-Through: If required, the Permittee shall participate in a walk-through of the Event Site with DPR Staff and other City Agencies to review the specific layout of the Event at the Event Site and other City-owned property, including the location of the Support Facilities, as depicted on the approved Site Diagram, as well as Load-In/Load-Out logistics that are proposed for the Event. DPR Staff and/or other City Agencies may require revisions to the Site Diagram, the Load-In/Load-Out plan, and other plans prescribed under section 5.2.5 in order to avoid or mitigate adverse impacts to the Park, surrounding property, right of way, patrons of the Park, and Attendees. The Permittee shall comply with such approved revisions of the Site Diagram and plans.

5.2.8 Deadline: All information, documentation, plans, proof, and walk-throughs specified in this section 5.2 showing that the Applicant has satisfied the applicable Requirements of this section 5.2 must be provided to the Permitting Office in complete and accurate form no later than twenty-one (21) calendar days prior to the Event Date. Approvals for changes to plans under section 5.2.5 must also be obtained by this deadline. Failure to meet this deadline may result in the denial of the Event Permit Approval.

5.3 Financial and Loss Protections for the City: The Applicant is obligated, at the Applicant's own expense, to arrange for the required insurance coverage and to provide the required security deposit and other financial assurance for an Event. It is a prerequisite for the issuance of the Event Permit that the Applicant provide, to the extent and in the manner acceptable to the Permitting Office, the insurance coverage and security deposit/financial assurances required in this section 5.3 and in the Event Permit Approval by the deadline set forth in section 5.3.3. Upon the issuance of the Event Permit, the Applicant shall become the Permittee, and the Permittee is responsible for the obligations set forth in this section 5.3 and the Event Permit. The insurance coverage and security deposit requirements set forth in this section

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5.3 shall not lessen, modify or eliminate the Permittee's obligations or liabilities under this Public Event Policy. Failure to obtain or maintain the prescribed insurance coverages or to provide the required security deposit and/or financial assurances for an Event shall be grounds for the denial of the Event Permit Approval or immediate revocation of the Event Permit and cancellation of the Event.

5.3.1 Insurance:

5.3.1.1 General Conditions: As a condition of the Event Permit, the Permittee shall secure and maintain, in advance of and during the entire Event and during Load-In and Load-Out, the following insurance covering all operations, activities, uses and services contemplated under the Event Permit. Insurance must be in the name of the Permittee. The required insurance shall be underwritten by an insurer licensed or authorized to do business in Colorado and rated by A.M. Best Company as "A-VIII" or better. Each policy shall contain a valid provision or endorsement requiring notification to the City in the event any of the required policies is to be canceled or non-renewed before the expiration date thereof. Such written notice shall be sent to the Permitting Office. Said notice shall be sent thirty (30) days prior to such cancellation or non-renewal unless due to non-payment of premiums for which notice shall be sent ten (10) days prior. If such written notice is unavailable from the insurer, the Permittee shall provide written notice of cancellation, non-renewal and any reduction in coverage to the Permitting Office as specified at the Permit Resource Site. If any policy is in excess of a deductible or self-insured retention, the City must be notified by the Permittee. The Permittee shall be responsible for the payment of any deductible or self-insured retention. The insurance coverages specified herein are the minimum requirements, and these requirements do not lessen or limit the liability of the Permittee. The Permittee shall maintain, at its own expense, any additional kinds or amounts of insurance that it may deem necessary to cover its obligations and liabilities under the Event Permit.

5.3.1.2 Proof of Insurance: The Permittee shall provide a copy of these insurance requirements to its insurance agent or broker. The Permittee may not commence any work or operations at the Event Site or any Load-In and Load-Out areas prior to placement of coverage as required herein. The Permittee certifies that a current certificate of insurance, in compliance with this section 5.3.1, shall be provided to the City in final form no later than twenty-one (21) calendar days prior to the Event Date. The City's acceptance of a certificate of insurance or other proof of insurance that does not comply with all insurance requirements of this section 5.3.1 shall not act as a waiver of the Permittee's violation of the Event Permit or the Public Event Policy or of any of the City's rights or remedies under the Event Permit or the Public Event Policy. Denver Risk Management may require additional proof of insurance, including but not limited to policies and endorsements.

5.3.1.3 Additional Insureds: For Commercial General Liability, Business Auto Liability, and Liquor Legal Liability (if applicable), the insurer(s) for the Permittee and the Permittee's Vendors and Contractors shall include the City and County of Denver, its elected and appointed officials, employees and volunteers as additional insureds.

5.3.1.4 Waiver of Subrogation. For all coverages required under this section 5.3.1, the insurer(s) shall waive subrogation rights against the City.

5.3.1.5 Vendors and Contractors: All Vendors or Contractors which provide services or goods for the Event or is involved in the installation, operation or removal of Support Facilities for the Event (including but not limited to contractors, subcontractors, installers, consultants,

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suppliers, vendors, purveyors of any goods and services, food and beverage sales, alcohol beverage sales and service, entertainment, sports or athletic activities, security, etc.) shall be subject to all of the requirements herein and shall procure and maintain the appropriate levels of coverages required by the Permittee. The Permittee shall include all such Vendors and Contractors as additional insureds under its policies (with the exception of Workers' Compensation) or shall ensure that all such Vendors and Contractors maintain the required coverages. The Permittee shall provide proof of insurance for all such Vendors and Contractors upon request by the City.

5.3.1.6 Workers' Compensation/Employer's Liability Insurance. The Permittee shall maintain the coverage as required by statute for each work location and shall maintain Employer's Liability insurance with limits of \$100,000 per occurrence for each bodily injury claim, \$100,000 per occurrence for each bodily injury caused by disease claim, and \$500,000 aggregate for all bodily injuries caused by disease claims.

5.3.1.7 Commercial General Liability. The Permittee shall maintain a Commercial General Liability insurance policy with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$2,000,000 policy aggregate.

5.3.1.8 Business Automobile Liability. The Permittee shall maintain Business Automobile Liability with limits of \$1,000,000 combined single limit applicable to all owned, hired and non-owned vehicles used for the Event.

5.3.1.9 Liquor Legal Liability: If the sale or service of Alcohol Beverages is authorized for the Event in the Event Permit, then liquor legal liability coverage of not less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit is required.

5.3.1.10 Additional Insurance: Additional insurance coverage may be required if an Exceptional Activity or Use or a sports/athletic activity is a component of the Event. Such additional coverage shall be determined by the City's Risk Management Office.

5.3.1.11 Additional Provisions. For Commercial General Liability, the policy must provide the following:

- That the Event Permit is an Insured Contract under the policy;
- Defense costs are outside the limits of liability;
- A severability of interests or separation of insureds provision (no insured vs. insured exclusion);
- A provision that coverage is primary and non-contributory with other coverage or self-insurance maintained by the City; and
- Any exclusion for sexual abuse, molestation or misconduct has been removed or deleted.

For claims-made coverage, the retroactive date must be on or before the contract date or the first date when any goods or services were provided, whichever is earlier. The Permittee shall advise the City in the event any general aggregate or other aggregate limits are reduced below the required per occurrence limits. At the Permittee's own expense, where such general aggregate or other aggregate limits have been reduced below the required per occurrence limit, the Permittee

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shall procure such per occurrence limits and furnish a new certificate of insurance showing such coverage is in force.

5.3.1.12 Indemnification: In addition to the insurance coverage required above, the Permittee is required, as a condition of the issuance of the Event Permit, to indemnify the City, its elected and appointed officials, employees, volunteers and agents as provided in section 4.5 of this Policy. Insurance coverage requirements specified above shall in no way lessen or limit the liability of the Permittee under the terms of this indemnification obligation. Such indemnification shall include any third party losses, damages, liabilities, claims, subrogation claims, suits and actions, causes of action, costs and expenses asserted against the City or its appointed and elected officials, employees, volunteers, and agents and resulting from the negligence or intentional misconduct of the Permittee, Permittee's representatives or agents, Permittee Workers, or Attendees arising from or associated with the sale, service or consumption of Alcohol Beverages at the Event, whether authorized or unauthorized under this Public Event Policy and the Event Permit, or arising from or associated with the sale, service or consumption of marijuana, even though the sale, service or consumption of marijuana is illegal.

5.3.2 Security Deposit:

5.3.2.1 Requirement: A security deposit may be required for an Event as specified at the Permit Resource Site. The security deposit is intended to assure that secured reimbursement is available to the City for covering any costs or losses the City incurs or may incur should the Permittee fail to perform in accordance with the Requirements of this Public Event Policy or the terms and conditions of the Event Permit. The security deposit does not constitute a substitute source of funding for the Permittee to pay for costs and expenditures resulting from the Permittee's obligations or liabilities under the Public Event Policy and the Event Permit.

5.3.2.2 Process: If required, a security deposit, in the amount specified at the Permit Resource Site, must be submitted to the Permitting Office in the form and subject to such conditions as specified at the Permit Resource Site. The security deposit is due no later than twenty-one (21) calendar days prior to the Event Date. Failure to submit the required security deposit shall result in the denial of the Event Permit Approval.

5.3.2.3 Refund and Retention: Upon full and faithful completion of the Permittee's obligations under the Public Event Policy and the Event Permit and following conclusion of the Event and Load-Out by the Permittee, the security deposit submitted by the Permittee will be refunded as specified at the Permit Resource Site. Should the Permittee fail to fully and faithfully complete all of the Permittee's obligations resulting in costs or losses incurred or that may be incurred by the City, the Permittee will be advised of any such deficiencies in writing. If directed by the Permitting Office, the Permittee shall take all immediate measures necessary and appropriate to rectify the deficiencies and to report the measures taken to the Permitting Office. If the Permitting Office finds that measures are not feasible or that no or inadequate measures are taken by the Permittee, the Permitting Office shall, in consultation with DPR Staff and City Agencies, determine the amount of the security deposit necessary to cover such costs and losses and shall retain that amount to cover such costs and losses. Any remaining amount of the security deposit shall be refunded to the Permittee as specified at the Permit Resource Site.

5.3.2.4 Other Financial Assurances: For Events involving authorized Exceptional Activities or Uses, the amount of the security deposit may be increased or substituted by other

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forms of financial assurances, as specified by the DPR Executive Director, in order to assure adequate funds are available for the restoration of the Park. The financial assurances may also be covered by means of a property damage bond or a letter of credit, approved by the Denver City Attorney's Office. The additional security deposit and/or approved form of the bond or letter of credit, fully executed by the surety, shall be delivered to the Permitting Office as specified at the Permit Resource Site. The City shall have full rights to call upon any property damage bond or letter of credit, in whole or part, for any costs or losses the City incurs or may incur resulting from the Permittee's failure to perform in accordance with the Public Event Policy and the Event Permit.

5.3.2.5 Legal Recourse: If the actual costs or losses incurred by the City under this section 5.3.2 exceed the amount of the security deposit, the bond or the letter of credit, the City shall not be limited by the amount of the security deposit, the bond or the letter of credit in its claim against the Permittee for actual damages. The Permittee will be invoiced for any such costs or losses, with payment due thirty (30) calendar days from the invoice date. If the invoice is not promptly paid, the DPR Executive Director reserves the right to seek such recourse and recovery of such costs and losses from the Permittee by any means available under law.

5.3.3 Deadline: All information, documentation, or proof specified in this section 5.3 showing that the Applicant has satisfied the Requirements of this section 5.3 must be provided to the Permitting Office in complete and accurate form no later than twenty-one (21) calendar days prior to the Event Date. Failure to meet this deadline may result in the denial of the Event Permit Approval.

5.4 Event Permit Approval:

5.4.1 General Provisions: Upon receipt from the Applicant of all the information and documentation required under the Pending Permit Approval and in this Part V of the Public Event Policy, the Permitting Office will complete an evaluation of said information and documentation, in consultation with DPR Staff and City Agencies and in light of the requirements, restrictions and conditions of this Public Event Policy and Applicable Law, to determine if Event Permit Approval is warranted. Event Permit Approval will be granted by the Permitting Office unless such Approval is denied as provided in section 5.4.3. The Permitting Office will include in the Event Permit Approval such Special Rules or other requirements, restrictions or conditions as have been deemed necessary or appropriate.

5.4.2 Fees: Any Fees, as specified under section 3.8, are due no later than twenty-one (21) calendar days prior to the Event Date and must be submitted to the Permitting Office as specified at the Permit Resource Site. Failure to pay the required Fees shall result in the denial of the Event Permit Approval.

5.4.3 Denial of Event Permit Approval: A Event Permit Approval may be denied for any of the following reasons:

- The Requirements set forth in section 5.1.1 material to the Event Permit Approval have not been, or cannot be, substantially satisfied by the Applicant.
- The Pending Permit Approval was granted in material reliance on information or documentation that has been shown to be incorrect, false, or misleading and that, after written notice, has not been, or cannot be, corrected or made true to the reasonable satisfaction of the Permitting Office.

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- The Applicant has provided information, documentation, plans or proof required or requested under this Part V of the Public Event Policy that contains incorrect, false or misleading information material to the Event Permit Approval and that, after written notice, has not been, or cannot be, corrected or made true to the reasonable satisfaction of the Permitting Office.
- The Applicant has not provided required or requested information, documentation, plans or proof material to the Event Permit Approval.
- The Applicant has failed to submit complete and accurate information, documentation, plans or proof, or obtain approval for plan changes, by the deadline specified in sections 5.2.8, 5.3.3 and 5.4.2.
- A City Agency, in its review of information, documentation, plans or proof provided by the Applicant, has recommended denial of the Event Permit Approval based on the inability or failure of the Applicant to satisfy Applicable Law or established standards, practices, guidelines, requirements and rules and regulations of the City Agency which are applicable to, and a substantive part of regulating, the conduct of the proposed Event or which are applicable to the use of other City property needed for or impacted by the Event.
- A City Agency has recommended denial of the Pending Permit Approval based on the lack or unavailability of City resources needed to assure public safety.
- An amendment proposed by the Applicant under section 5.1.4 is determined to have been submitted too late or is not acceptable under the Public Event Policy, and the amendment is an essential or important component of the Application (if the amendment is not an essential or important component of the Application, it may be rejected without denying the Pending Permit Approval).
- An Exceptional Activity or Use proposed for the Event, even if initially approved in the Pending Permit Approval, has been subsequently denied under section 3.6.2, and the Exceptional Activity or Use is the primary or overriding purpose of the Event (any proposed Exceptional Activity or Use which is a secondary or subsidiary activity or use proposed for the Event may be rejected without denying the Event Permit Approval).
- The Event Date requested for the proposed Event in a specified Event Site in a Park has become unavailable due to a Priority under section 3.4.
- The revised projected peak attendance for the proposed Event, based on best available information, is likely to exceed the Carrying Capacity for the Event Site in the Park.
- Any required Fees have not been paid.
- The Applicant has been cited, ticketed, fined or arrested for a violation of Applicable Law related to a prior Event and cannot demonstrate that the violation can be and will be rectified or resolved, including the payment of any fine or penalty, prior to the Event Date of the proposed Event.
- The Applicant owes money to the City for prior damage to a Park or other City property resulting from or related to an Event.

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- The Applicant has substantial (\$500.00 or more) unpaid and delinquent debts to the City.
- The Applicant is unable or will be unable, or refuses, to satisfy any material general requirements, restrictions or conditions set forth in section 5.2, including any terms or conditions or Special Rules imposed under section 5.2.6.
- The Applicant is unable or will be unable, or refuses, to satisfy the insurance coverage requirements and the security deposit or other financial assurance requirements under section 5.3.

5.4.4 Notification: The Applicant will be notified as to whether the Event Permit Approval has been granted or denied and, if denied, the reasons therefore. Event Permit Approval is subject to the Applicant's satisfaction of any remaining terms and conditions prior to issuance of the Event Permit and is ultimately evidenced by issuance of the Event Permit, which will not be issued if all Requirements of this Part V of the Public Event Policy are not satisfied at least twenty-one (21) calendar days before the Event Date. Notice of the Event Permit Approval will be sent to the mail or email address that the Applicant put on the Application.

5.4.5 Applicant's Acceptance of the Event Permit Approval: Upon receipt of the Event Permit Approval, the Applicant should closely review it. If the Event Permit Approval is acceptable, no further action is needed. If the Applicant finds the terms and conditions of the Event Permit Approval to be unacceptable, the Applicant shall promptly notify the Permitting Office as to what terms and conditions are unacceptable. If concurrence on the terms and conditions cannot be reached, then the Event Permit Approval shall be deemed rescinded and no longer valid. The Permitting Office is under no legal obligation to negotiate the terms and conditions of the Event Permit Approval.

5.4.6 Issuance of Event Permit: Upon satisfactory completion of the applicable Requirements of this Public Event Policy, the Event Permit will be issued with the Event Permit Approval attached. Upon this occurrence, the Applicant shall become a Permittee under this Public Event Policy.

5.4.7 Legal Effect of Event Permit: Upon issuance of the Event Permit, the Permittee shall have a priority to the Event Site in the Park and to the Event Date specified in the Event Permit, subject to the Permittee complying with the Event Permit and the Requirements set forth in Part VI of this Public Event Policy. The right to engage in the approved Event, as allowed under the Event Permit, shall be contingent on obtaining and complying with all required permits and licenses from City Agencies as specified in this Public Event Policy, including any Liquor License.

THE APPLICANT SHOULD REFER TO THE MISCELLANEOUS LEGAL PROVISIONS OF PART VIII OF THIS PUBLIC EVENT POLICY WITH RESPECT TO OTHER LEGAL ASPECTS OF EVENT PERMIT APPROVAL AND EVENT PERMITS.

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PART VI – EVENT REQUIREMENTS

6.1 General Requirements:

6.1.1 Contact and Coordination:

6.1.1.1 Permittee’s Representative: The Permittee must assign an individual who will be the main point of contact for all aspects of the Event preparation and management. The Permittee must notify the Permitting Office, in writing, as to the identity of the individual who has the authority to act on behalf of the Permittee. This individual may be replaced or substituted only upon written notice by the Permittee presented to the Permitting Office. Contact information, including telephone number and email address, for this individual must be provided. The individual must be reachable 24 hours a day during Load-In and Load-Out and during the Event and must be at the Event Site during such times or occurrences as specified in the Event Permit. All references to “Permittee” in this Part VI of the Public Event Policy shall include this authorized individual who will represent the Permittee.

6.1.1.2 DPR Staff: The Permittee shall fully and timely coordinate and collaborate with DPR Staff, including the Permitting Office, with respect to Event preparation and management and in the fulfillment of the requirements and restrictions of this Part VI of the Public Event Policy. DPR Staff responsible for overseeing the Event and directing the Permittee and the Permittee Workers with respect to the requirements and restrictions of the Event Permit and the Public Event Policy will be identified to the Permittee, along with their contact information.

6.1.2 Walk-Throughs and Inspection: If required by the Permitting Office or other City Agency, the Permittee shall participate in the following walk-throughs of the Event Site.

6.1.2.1 Pre-Event Walk-Through: The Permittee shall participate in a pre-Event walk-through with DPR Staff and representatives of other City Agencies to determine the condition of the Event Site, the Park, and any other City-owned property authorized to be used as part of the Event or for Load-In and Load-Out. An inspection report of existing conditions and a listing of authorized on-site changes needed shall be prepared and signed by the Permittee and DPR Staff and representatives of other City Agencies. In addition, the physical implementation of the Event Permit may be further evaluated to confirm that the Permittee will conform to the terms and conditions of the Event Permit.

6.1.2.2 Post-Event Walk-Through: After completion of Load-Out, the Permittee shall participate in a post-Event walk-through of the Event Site and any other City-owned property used as part of the Event with DPR Staff and representatives of other City Agencies to evaluate whether the Permittee or the Permittee Workers have satisfactorily cleaned and restored the Event Site, the Park, and other City-owned property used as part of the Event to original condition and satisfactorily completed all other performance requirements under the Event Permit and this Public Event Policy. The findings of the walk-through will be documented by DPR Staff and representatives of other City Agencies and must be signed by the Permittee.

6.1.3 Event Operation:

6.1.3.1 General: The Event must be set up and operated by the Permittee and Permittee Workers in accordance with the approved Site Diagram, as specified in sections 5.2.1 and 6.1.2.1;

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the approved type and location of Support Facilities, as specified in section 5.2.2; the approved plans, as specified in section 5.2.5; and the Special Rules, as required under section 5.2.6; as well as the terms and conditions of the Event Permit and the Requirements of this Part VI of the Public Event Policy.

6.1.3.2 Availability of Permit: The Event Permit must be maintained on site in the possession of the Permittee at all times during the Permit. The Event Permit shall be presented for inspection upon request of DPR Staff and representatives of City Agencies.

6.1.3.3 Conduct of Event: The Permittee shall be responsible for conducting the Event in a safe and professional manner, and for making certain that the Attendees and other patrons present in the permitted Park or Event Site in a Park are treated in a courteous and respectful manner.

6.1.3.4 Promotion of the Event: Public notices, media communications, advertising, and sponsorships are solely the responsibility of the Permittee; provided that such promotion involving on-site signage shall be subject to the applicable signage requirements set forth in this Part VI of the Public Event Policy.

6.1.3.5 Hours of Operation: Events shall be subject to the established curfew for Parks (11 pm through 5 am) unless the conduct of the Event during curfew hours is expressly authorized in the Event Permit. Load-In and Load-Out shall be conducted only during such dates and hours specified in the Event Permit.

6.1.3.6 Permittee Workers: The Permittee is responsible for contracting with and supervising all Permittee Workers, as defined in section 2.37, and assuring complete faithful performance of the contracted duties and obligations by the Permittee Workers.

6.1.3.7 Load-In and Load-Out: The Permittee is responsible for staging, supervising, and adequately controlling Load-In and Load-Out. See section 6.12 for more information.

6.1.3.8 Support Facilities: The Permittee is responsible for obtaining, installing, maintaining, cleaning and removing all Support Facilities so that they are safe, serviceable and of adequate numbers, including the installation of portable toilets that provide access to and use in accordance with the Americans with Disabilities Act (5 square feet per Public Works requirements. See section 6.11 for more information.

6.1.3.9 Safety: The Permittee is responsible for providing security, public safety, crowd control, fire protection, and emergency services in accordance with the plans approved under sections 5.2.5.

6.1.3.10 Public Outreach and Notification: As circumstances warrant and as directed by DPR or other City Agencies, the Permittee shall provide such notification of the scheduled Event to the surrounding businesses, schools, and residents and shall engage in such public outreach to address impacts of the Event which are of concern to surrounding businesses, schools, and residents.

6.1.3.11 Cleaning: The Permittee is responsible, during the Event and Load-In and Load-Out, for the timely and effective cleaning and sanitizing of all areas of the Event Site and, if

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required, any other City-owned property used or impacted by the Event. This obligation shall include the removal and proper disposal of trash and waste and the removal of any markings or any graffiti on property that occurred during or related to the Event.

6.1.3.12 Repairs & Replacements: The Permittee is responsible for the cost of repair and/or replacement of any real or personal property of the City damaged during the Event, to the extent such damage was the result of or associated with the acts or omissions of the Permittee, Permittee's representatives or agents, or the Permittee Workers or the conduct of the Event. However, all damage repairs and replacement work will be performed by the City or its contractors unless repairs or replacement work by the Permittee or the Permittee Workers is authorized, in writing, by the DPR Executive Director. The insurance coverage as required under section 5.3.1 and the security deposit or other financial assurances as required under section 5.3.2 do not in any way eliminate, lessen or limit the responsibility or liability of the Permittee under this section 6.1.3.12.

6.1.3.13 Costs: The Permittee shall be liable for paying all costs and expenses for the performance of all obligations of the Permittee.

6.2 Entertainment Requirements & Restrictions: For Entertainment, as defined in section 2.17.1, the Permittee shall be responsible, at the Permittee's own expense, for the following:

6.2.1 Performers: Arranging, booking, transporting, housing, feeding, and providing appropriate facilities, equipment and security for all performers, entertainers and artists.

6.2.2 Location: The location of Entertainment must be as identified on the approved Site Diagram. Depending on the circumstances of the Event and the Park and the impact of such Entertainment on surrounding neighborhoods, DPR reserves the right to require modifications to, or impose restrictions and/or supplemental requirements as to the location and operation of Entertainment.

6.2.3 Support Facilities: The size and location of all Support Facilities used in relation to Entertainment must be accurately represented in the approved Site Diagram. DPR reserves the right to approve, disapprove, require modifications to, or impose restrictions and/or supplemental requirements for such Support Facilities.

6.2.4 Electrical Demand: The Permittee shall provide to DPR Staff or other City Agency, upon request, information about the electrical requirements for the Entertainment and comply with the electrical service requirements under section 5.2.3 as specified by DPR Staff or other City Agency.

6.2.5 Licensing: The Permittee shall ensure that all music played during the Event complies with all applicable licensing requirements. See section 8.12 for more specific legal requirements.

6.3 Alcohol Beverages Requirements & Restrictions: For Alcohol Beverages, as defined in section 2.17.2, the Permittee shall be responsible, at the Permittee's own expense, for the following:

6.3.1 Alcohol Policy: The sale, service and consumption of Alcohol Beverages in a Park shall be permitted only if it is allowed under the DPR Alcohol Policy, as it may be amended from time to time. All terms or conditions applicable under the DPR Alcohol Policy must be complied with by the Permittee, the Permittee's representatives and agents, and the Permittee Workers. The DPR Executive Director has the authority to add requirements and/or restrictions beyond those contained in the DPR Alcohol Policy.

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The sampling or free distribution of Alcohol Beverages is not allowed unless expressly authorized in the Event Permit.

6.3.2 Liquor License: The right of Permittee or others to engage in the sale and/or service of Alcohol Beverages to the public in a Park shall be strictly subject to the Permittee obtaining, maintaining and complying with the Liquor License issued or authorized for the Event and in accordance with Applicable Law. Otherwise, the sale and/or service of Alcohol Beverages in a Park is prohibited.

6.3.3 Alcohol Vendor: If Permittee is authorized to serve and/or sell Alcohol Beverages in the Park during an Event, Permittee may enter into a separate agreement with a properly qualified contractor, vendor or agent (“Alcohol Vendor”) to manage and operate the sale and/or service of Alcohol Beverages in the Park. Upon request, copies of all separate agreements shall be provided to the Permitting Office or other City Agency. Permittee shall be responsible for monitoring the activities of its Alcohol Vendor with respect to the sale and/or service of Alcohol Beverages and assuring compliance by the Alcohol Vendor with this Public Event Policy, the Alcohol Policy, the Liquor License, and Applicable Law. An Alcohol Vendor shall be regarded as a Permittee Worker under this Public Event Policy.

6.3.4 Location Restrictions: No sale and/or service of Alcohol Beverages shall be allowed outside of the designated area of the Park where sale and/or service of Alcohol Beverages is authorized by the Liquor License or the Event Permit, whichever is more restrictive. If any other regulation or licensing restriction should further limit the location for the sale, service and/or consumption of Alcohol Beverages in a Park, the Permittee and any Alcohol Vendor shall comply with said regulation or licensing restriction. Any fencing, barricades or other barriers required for controlling the sale, service and public consumption of Alcohol Beverages are to be supplied by the Permittee at the Permittee’s expense, and the location of such fencing, barricades or other barriers are subject to the prior approval of DPR Staff and other City Agencies.

6.3.5 Enforcement: The requirements and restrictions set forth for Alcohol Beverages may be enforced in any manner allowed under the Liquor License and Applicable Law. Failure to comply with this section 6.3 may result in the suspension of the right to sell or serve Alcohol Beverages at the Event and other enforcement actions as provided in section 8.5.

6.3.6 Liquor Legal Liability Insurance: The Permittee shall obtain and maintain liquor legal liability insurance for the sale and service of Alcohol Beverages during the Event as specified in section 5.3.1.9.

6.3.7 Alcohol Security: The Permittee shall provide security for the sale and service of Alcohol Beverages as specified in section 5.2.4.2 and the Event Permit.

6.4 Food and Beverage Sales Requirements & Restrictions: For Food and Beverage Sales, as defined in section 2.17.3, the Permittee shall be responsible, at the Permittee’s own expense, for the following:

6.4.1 Quality: Only good quality, fresh food and beverage products shall be served, with any cooked foods being prepared by an approved commissary or other food preparation center authorized to cook and dispense foods for public consumption (no home-cooked foods). Prepackaged food products must be provided in individual servings, labeled as to ingredients, dated for expiration of product, transported in individual servings, and stored under proper conditions.

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6.4.2 Regulations: The Permittee and Permittee Workers shall comply with all state and local laws, regulations, and orders regarding food handling and service, and all required food service permits shall be obtained, kept current, and provided to the Permitting Office or other City Agency upon request. The Permittee and Permittee Workers shall comply with all safety and sanitation laws and regulations including, but not limited to, regulations and orders of the Denver Fire Department, the Denver Department of Environmental Health and the Denver Department of Public Works.

6.4.3 Park Regulations: The Permittee and Permittee Workers shall comply with all DPR rules and regulations applicable to Food and Beverage Sales. No glass food or beverage containers are allowed.

6.4.4 Food trucks: Food trucks may only be allowed if located on hard surfaces in locations indicated on the approved Site Diagram and as otherwise approved by DPR Staff. Food trucks shall be operated so as to control odors and to minimize engine and generator noise and exhaust sufficiently to avoid becoming a public nuisance or an unreasonable disturbance to the residences, businesses and schools in the surrounding neighborhood as well as to park patrons not attending the Event and to other operations in a Park, including but not limited to a zoo, museum, botanic garden, golf course, recreation center, or concession.

6.4.5 Vending Machines: No food or beverage vending machines are permitted at an Event unless authorized by the Permitting Office.

6.4.6 Trash and waste: All trash and waste, including but not limited to grease, sewage, plates, cups, utensils, and food waste shall be disposed of in dumpsters, trash receptacles, and recycling containers supplied by the Permittee. Permittee is responsible for providing the proper and prompt removal and disposal of trash and waste products. Existing trash containers in a Park may not be used to supplement or replace the trash containers and trash removal service required for the Event.

6.4.7 Electrical Demand: The Permittee shall provide to DPR Staff or other City Agency, upon request, information about the electrical requirements for the Food and Beverage Sales and comply with the electrical service requirements under section 5.2.3 as specified by DPR Staff or other City Agency.

6.5 Goods and Services Vending Requirements & Restrictions: For Goods and Service Sales, as defined in section 2.17.4, the Permittee shall be responsible, at the Permittee's own expense, for the following:

6.5.1 Prohibited Goods: The sales, service, distribution, or marketing of adult or pornographic materials, marijuana, marijuana products, tobacco, tobacco products, fireworks, firearms and other inherently dangerous or hazardous items in the Park during the Event are strictly prohibited. Failure to comply with this absolute prohibition may result in the immediate suspension or revocation of the Event Permit or the banning of the vendor engaged in such activity from the Event, as the DPR Executive Director deems appropriate.

6.5.2 Misrepresentations: Any false or misleading information or advertising about goods and services offered at an Event may be grounds for barring the sale of such goods and services or for banning the vendor engaged in such misrepresentations from the Event.

6.6 Sporting Activity: For Sporting Activity, as defined in section 2.17.5, the Permittee shall be responsible, at the Permittee's own expense, for the following:

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6.6.1 Athletes: Arranging, booking, transporting, housing, feeding, and providing appropriate facilities, equipment and security for all athletes and Sport Activity participants.

6.6.2 Location: The location of the Sporting Activity must as be identified on the approved Site Diagram. Depending on the circumstances of the Event and the Park and the impact of such Sporting Activity on surrounding neighborhoods, DPR reserves the right to approve, disapprove, require modifications to, or impose restrictions and/or supplemental requirements as to the location and operation of a Sporting Activity.

6.6.3 Support Facilities: The size and location of all Support Facilities used in relation to a Sporting Activity must be accurately represented in the approved Site Diagram. DPR reserves the right to approve, disapprove, require modifications to, or impose restrictions and/or supplemental requirements for such Support Facilities.

6.7 Electronics Requirements & Restrictions: For Electronics, as defined in section 2.17.6, the Permittee shall be responsible, at the Permittee's own expense, for the following:

6.7.1 Location: The location of any Electronics must be as identified on the approved Site Diagram. Depending on the circumstances of the Event and the Park and the impact of such Electronic systems on surrounding neighborhoods, DPR reserves the right to approve, disapprove, require modifications to, or impose restrictions and/or supplemental requirements as to the location and operation of Electronics.

6.7.2 Support Facilities: The size and location of all Support Facilities used in relation to Electronics must be accurately represented in the approved Site Diagram. DPR reserves the right to approve, disapprove, require modifications to, or impose restrictions and/or supplemental requirements for such Support Facilities.

6.7.3 Electrical Demand: The Permittee shall provide to DPR Staff or other City Agency, upon request, information about the electrical requirements for the Electronics and comply with the electrical service requirements under section 5.2.3 as specified by DPR Staff or other City Agency.

6.8 Animal Shows Requirements & Restrictions: For Animal Shows, as defined in section 2.17.7, the Permittee shall be responsible, at the Permittee's own expense, for the following:

6.8.1 Location: The location of any Animal Shows must be as identified on the approved Site Diagram. Depending on the circumstances of the Event and the Park and the impact of such Animal Shows on surrounding neighborhoods, DPR reserves the right to approve, disapprove, require modifications to, or impose restrictions and/or supplemental requirements as to the location and operation of Animal Shows.

6.8.2 Support Facilities: The size and location of all Support Facilities used in relation to Animal Shows must be accurately represented in the approved Site Diagram. DPR reserves the right to approve, disapprove, require modifications to, or impose restrictions and/or supplemental requirements for such Support Facilities.

6.8.3 Protection of Animals: Compliance with all applicable federal, state and local laws regarding animals is required. All animals must be licensed and vaccinated if so required and evidence of such licensing and/or vaccination must be provided upon request. No ill or diseased animals are allowed.

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The misuse or abuse of animals in violation of animal cruelty laws is strictly forbidden. Wild or potentially dangerous animals or livestock are allowed in the Event Site only if allowed under Applicable Law and subject to any required permits.

6.9 Parades and Race/Walks: For Parades, as defined in section 2.17.8, and Race/Walks, as defined in section 2.17.9, the Permittee shall be responsible, at the Permittee's own expense, for the following:

6.9.1 Park Paths and Park Roads: Typically, Parades and Race/Walks authorized to be held as Events in Parks are conducted on Park Paths, as defined in section 2.30, and/or on Park Roads, as defined in section 2.31. Authorized Support Facilities for Parades and Race/Walks may be located elsewhere in the Park as depicted on the approved Site Diagram.

6.9.2 Route: The proposed route of the Parade or the Race/Walk on Park Paths and Park Roads must be identified on the approved Site Diagram. Depending on the circumstances of the Event and the Park and the impact of such Parades and Race/Walks on surrounding neighborhoods, DPR reserves the right to require modifications to, or impose restrictions and/or supplemental requirements for the route and the operation of the Parade or the Race/Walk.

6.9.3 Protections: Additional protections may be required, including but not limited to signage, advanced public notification, additional insurance, increased security deposit, security, and fencing.

6.9.4 Right of Way: Any proposed use of the public right of way (streets, sidewalks, etc.) must be approved by Denver Police Department and Public Works. The Permittee must obtain any required permits and comply with all regulations and requirements placed upon the Parade or the Race/Walk by Denver Police, Public Works or other City Agency.

6.10 Admission-Based Events: For Admission-Based Events, as defined in section 2.17.10, the Permittee shall be responsible, at the Permittee's own expense, for the following:

6.10.1 Compliance with Policy: An Admission Based Event must comply with the DPR Admission-Based Events Policy, as it may be amended from time to time, in addition to all applicable sections of this Public Event Policy.

6.11 Exceptional Activities or Uses: For Exceptional Activities and Uses, as defined in section 2.22, and the Permittee shall be responsible, at the Permittee's own expense, for the following:

6.11.1 Special Rules: The right to have Exceptional Activities and Uses at an Event shall be contingent on compliance by the Permittee, the Permittee's representatives and agents, and the Permittee Workers with all Special Rules and other terms and conditions imposed on the Exceptional Activities and Uses under the Event Permit.

6.11.2 Location: The location of any approved Exceptional Activities and Uses must be identified on the approved Site Diagram. Depending on the circumstances of the Event and the Park and the impact of the Exceptional Activities or Uses on surrounding neighborhoods, DPR reserves the right to require modifications to, or impose restrictions and/or supplemental requirements as to the location and operation of the Exceptional Activities and Uses.

6.11.3 Support Facilities: The size and location of all Support Facilities used in relation to approved Exceptional Activities and Uses must be accurately represented in the approved Site Diagram.

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DPR reserves the right to approve, disapprove, require modifications to, or impose restrictions and/or supplemental requirements for such Support Facilities.

6.11.4 Electrical Demand: The Permittee shall provide to DPR Staff or other City Agency, upon request, information about the electrical requirements for the approved Exceptional Activities and Uses and comply with the electrical service requirements under section 5.2.3 as specified by DPR Staff or other City Agency.

6.12 Load-In and Load-Out:

6.12.1 Location: The location of Load-In and Load-Out must be as identified on the approved Site Diagram. Depending on the circumstances of the Event and the Park and the impact of Load-In and Load-Out on surrounding neighborhoods, DPR reserves the right to require modifications to, or impose restrictions and/or supplemental requirements as to the location and operation of Load-In and Load-Out.

6.12.1 Support Facilities: The size and location of all Support Facilities used in relation to Load-In and Load-Out, including any special equipment necessary for Load-In and Load-Out, must be accurately represented in the approved Site Diagram. DPR reserves the right to approve, disapprove, require modifications to, or impose restrictions and/or supplemental requirements for such Support Facilities and special equipment.

6.13 Signs, Banners and Posters:

6.13.1 Basic Restrictions: Only temporary signs, banners, posters and similar items (“Signs”) related to the Event are allowed. Signs may be erected only within the Event Site and for the duration of the Event.

6.13.2 Commercial Signs: Any commercial Signs must: 1) market or advertise only goods, services, food, or beverages sold or provided at the Event through Goods and Services Sales, Food and Beverages Sales, or Alcohol Beverage sales and service, or 2) promote the goods, services, food, or beverages, including Alcohol Beverages, of a sponsor of the Event. Proof of such sponsorship may be required by the Permitting Office. No advertising space may be sold, leased or licensed for an Event in a Park. The advertising or marketing of adult or pornographic materials, marijuana, marijuana products, tobacco, tobacco products, fireworks, firearms, and other inherently dangerous or hazardous items during the Event in a Park is strictly prohibited. Signs displaying the name of medical or recreational marijuana dispensaries are prohibited.

6.13.3 Sign Placement: The following are not allowed: 1) attachment of Signs to structures or vegetation located in the Park; 2) staking of Signs into pavement or concrete or into more than six (6) inches of the ground or turf; and 3) blocking of access, including Park Paths or Park Roads, and other passages for pedestrians and motor vehicles, by Signs. The Permittee is required to remove or relocate any Signs at the direction of DPR Staff.

6.13.4 Removal: It shall be the responsibility of the Permittee to promptly remove any Sign at an Event not in compliance with this Section 6.13.

6.14 Amplified Sound:

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6.14.1 Basic Restrictions: The Permittee shall provide for the proper operation of any Amplified Sound system and the control of the sound and vibration levels produced by such system in order to avoid the Event becoming a public nuisance or an unreasonable disturbance to the residences, businesses and schools in the surrounding neighborhood as well as to park patrons not attending the Event and to other operations in a Park, including but not limited to a zoo, museum, botanic garden, golf course, recreation center, or concession. The Permittee is required to show on the approved Site Diagram the locations and sound directional information for all Amplified Sound equipment and work with the Permitting Office and City Agencies in order to achieve the level and quality of Amplified Sound necessary to reach listeners at an Event while attenuating or mitigating any adverse impacts of the Amplified Sound. A sound check prior to the start of the Event may be required if requested by the Permitting Office or other City Agency.

6.14.2 Compliance: The Permittee is responsible for assuring that any Amplified Sound for an Event is in compliance with Applicable Law, this section 6.14, and any required plan under section 5.2.5. In particular, the use of Amplified Sound must comply with Chapter 36, DRMC, on noise control and any rules and regulations adopted by the Denver Department of Environmental Health implementing and enforcing this ordinance and comply with section 38-101, DRMC, on prohibited noises.

6.14.3 Specific Restrictions: The DPR Executive Director may prohibit Amplified Sound at certain Parks or Event Sites in a Park; require that Amplified Sound volume or vibration levels be lower than those specified in the ordinances identified in section 6.14.2; establish times of day when Amplified Sound is not allowed or more restricted than those specified in the ordinances identified in section 6.14.2; and require speakers to be placed and/or directed in a specified manner, but in no case shall they be directed at adjoining residential property or any school which is in session.

6.15 Motorized Vehicle Parking, Movement and Access:

6.15.1 Parking: Motorized vehicles, except for utility vehicles such as light duty “golf cart” type vehicles, must be parked in designated parking spaces in parking lots or along Park Roads within Parks or other legal parking areas outside of the Park. Motorized vehicles may not be parked so that sidewalks or public access ways are wholly or partially blocked. Motorized vehicle parking, except for utility vehicles such as light duty “golf cart” type vehicles, is prohibited on lawns, turf, planting areas, Park Paths, restricted Park Roads, playgrounds, and recreational facilities.

6.15.2 Traffic laws: All City traffic laws and Park Use Rules and Regulations regarding the movement and location of motorized vehicles must be obeyed.

6.15.3 Event Access: Motorized vehicle access, except for utility vehicles such as light duty “golf cart” type vehicles, through a Park to the site of an Event is not allowed, unless such access is expressly approved by an authorized DPR representative and only to the extent so authorized. If such access is so authorized, motorized vehicles servicing the Event may access through a Park only on paved or hard surfaces approved by an authorized DPR representative. Driving motorized vehicles beyond the designated boundaries for access is prohibited.

6.15.4 Enforcement: Violations of this Section 6.15 may result in the issuance of a ticket by Denver Police or a citation by a Park Ranger under the Administrative Citations Rules and Regulations, as amended from time to time. Unattended motorized vehicles parking or standing in a Park will be ticketed or cited and may be towed at the vehicle owner’s expense.

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6.16 City Agencies Requirements: The Permittee is required to comply with all rules and regulations, requirements, restrictions, permits, licenses, approvals required or imposed by any other City Agency.

6.17 Special Requirements for Specific Parks: Special requirements and/or restrictions may be established for specific Parks. If applicable, all such special requirements or restrictions for specific Parks will be provided to the Permittee on or before issuance of the Event Permit.

THE APPLICANT SHOULD REFER TO THE MISCELLANEOUS LEGAL PROVISIONS OF PART VIII OF THIS PUBLIC EVENT POLICY WITH RESPECT TO OTHER LEGAL ASPECTS OF EVENT REQUIREMENTS.

PART VII – PARK USE RULES AND REGULATIONS – COMPLIANCE AND ENFORCEMENT

7.1 Park Use Rules and Regulations: Parks Use Rules and Regulations, as amended from time to time, apply to Events and to the Permittee, Permittee’s representatives and agents, Permittee Workers and Attendees. The Permittee is responsible for the conduct and control of Permittee Workers and Attendees to the Event and must take all reasonable measures to assure compliance by Permittee Workers and Attendees with the Park Use Rules and Regulations. In particular, the Permittee should be aware of and seek compliance of all restrictions and prohibitions on littering, glass bottles, alcohol beverages, marijuana, leash laws, weapons, gambling, fires, fireworks, and destruction of property.

7.2 Permit Compliance: At all times during the duration of the Event and Load-In and Load-Out, compliance with the issued Event Permit is required. Compliance shall be in accordance with the terms and conditions of the issued Event Permit, this Public Event Policy and Section 3.0 of the Park Use Rules and Regulations. Permit compliance may be enforced under Section 39-5(a), DRMC, the Parks Permitting Ordinance, and the Administrative Citation Rules and Regulations, as amended from time to time.

7.3 Curfew: Park curfews (11:00 pm through 5:00 am every day) and ordinance curfews for juveniles (“Curfew Hours”) are applicable for Attendees. Any exceptions to Curfew Hours must be either expressly stated in the Event Permit or granted by prior written permission of the DPR Executive Director. Subject to such exceptions, Curfew Hours may be enforced under section 39-3(a), DRMC, and the Administrative Citation Rules and Regulations, as amended from time to time.

7.4 Closed or Restricted Areas of a Park: Activities associated with the Event must not carry over into any areas in a Park (other than the Event Site) and any Park Roads or Park Paths that are closed or restricted as to access or use by the DPR Executive Director under section 1.4 of the Park Use Rules and Regulations. No closed gates may be opened or access-control barriers moved unless approved in advance by DPR Staff. A closed or restricted area of a Park may be enforced under Section 39-3(c), DRMC, and the Administrative Citations Rules and Regulations, as amended from time to time.

7.5 Restriction or Prohibition on Uses and Activities: Unless the Event Permit expressly creates an exception for an Event, no uses or activities will be allowed in violation of a Directive issued by the DPR Executive Director under section 2.0 of the Park Use Rules and Regulations which restricts or prohibits such uses or activities. Restrictions or prohibitions on uses and activities, including Directives, may be enforced under Section 39-4, DRMC, and the Administrative Citations Rules and Regulations, as amended from time to time.

7.6 Other Park Use Rules and Regulations: There are certain activities or uses that are restricted or now allowed under the Park Use Rules and Regulations (applicable provisions noted in parentheses

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below) which are applicable to Events unless the Event Permit authorizes the activities or uses during the Event or creates a specific exception for the Event. These include but are not limited to:

- Temporary Structure or Enclosure (4.3)
- Temporary Signs (4.4)
- Overnight Residing (5A.2)
- Fireworks (6.3)
- Firearms (7.1)
- Weapons (7.2)
- Alcohol Beverages (8.2 and 8.5)
- Marijuana (8A.1)
- Sales of Goods and Services (9.2)
- Misbehavior (10.1)
- Sound Amplification (10.2)
- Fishing (11.1)
- Swimming (12.2)
- Entry into or Use of Water Facility (12.3)
- Animals (13.6)
- Horseback Riding (13.10)
- Large Inflatables (14.2)
- Flying Objects (14.3)
- Model Boats (14.4)
- Sledding Devices (14.5)
- Ice Skating (14.6)
- Glass Bottles (15.1)
- Human-Powered Devices on Trails (16.5)
- Motorized Vehicles Parking (17.2)
- Motorized Vehicles on Trails (17.3)
- Overnight Parking in a Park (17.7)
- Paid Lessons/Coaching (17A.7.4)
- Boating on City Waters (18.2)

Unless authorized under the Event Permit, the above-listed activities or uses are subject to enforcement under the Park Use Rules and Regulations and the Administrative Citations Rules and Regulations, as amended from time to time.

7.7 Enforcement. Violations by the Permittee or the Permittee Workers may be enforced by the authority specified under the Park Rules and Regulations, by tickets issued by the Denver Police; by administrative citations issued by Park Rangers under Article I of Chapter 39 of the Denver Revised Municipal Code and the Administrative Citations Rules and Regulations, as amended from time to time; and in accordance with Section 8.4 of these Event Rules and Regulations, including all specified fines and penalties.

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PART VIII – MISCELLANEOUS LEGAL PROVISIONS

8.1 Permittee’s Responsibilities and Liabilities: The Permittee holding any Event Permit shall be responsible and liable for failure to perform in accordance with the Event Permit, this Public Event Policy and Applicable Law. The City reserves the right to hold the Permittee fully accountable for any violation of the Event Permit, this Policy and Applicable Law.

8.2 Appeals:

8.2.1 Right of Appeal: An Applicant/Permittee has the right to appeal the denial or rescission of a Pending Permit Approval, the denial of a Final Permit Approval, or the suspension or revocation of an Event Permit.

8.2.2 How Made: An appeal shall be made by submitting a written appeal to the DPR Executive Director stating the basis for the appeal and the requested relief. Such written appeal must be received by the DPR Executive Director’s Office no later than five (5) business days after the date written notice is issued by the Permitting Office of the action which is appealable under section 8.2.1. Additional information about submitting an appeal may be found at the Permit Resource Site.

8.2.3 Decision and Notice: After review of the written appeal and consultation with the Permitting Office, DPR Staff, and other City Agencies, as deemed appropriate, the DPR Executive Director will issue a written decision granting the appeal, granting the appeal with conditions, or denying the appeal. The decision of the DPR Executive Director shall be a final administrative decision.

8.2.4 Judicial Appeal: The decision of the DPR Executive Director is subject to judicial appeal in accordance with C.R.C.P. 106(a)(4).

8.3 Cancellation of Event Permit by Permittee and Event Permit Suspension or Revocation due to Force Majeure:

8.3.1 *Force Majeure*: Cancellation of an Event may occur for any of the following reasons:

- inclement weather or other factors which presents potential danger to Attendees or Permittee Workers;
- temporary poor conditions of the Park which will result in further significant damage to the Park if the Event were held;
- damage to the Event Site or Park requiring closure of the Event Site or Park and/or immediate emergency repairs;
- a national, regional or local state of emergency;
- closure of the Park; or
- any reason found to be justifiable by the DPR Executive Director as *Force Majeure*.

8.3.2 Cancellation by Permittee Due to *Force Majeure*: A Permittee may request that an Event be cancelled for reasons of *Force Majeure*. Any Event Permit cancellation due to *Force Majeure* by a Permittee must be promptly provided to the authorized DPR representative. If cancellation requested by a Permittee is due to *Force Majeure* as described herein, the Permitting Office will offer available dates for an Event in a Park and, if the Permittee selects an Event Date from the available dates, the paid Fees and security deposit will be transferred to the Event held on that Event Date.

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8.3.2.1 If such cancellation is not due to *Force Majeure*, or due to any other cause not accepted or excused by DPR, then the Permitting Office may retain the Fees, or some portion thereof, already paid or (if required) the security deposit, or some portion thereof, submitted by the Applicant under section 5.3.2, as a charge for cancellation is specified at the Permit Resource Site.

8.3.3 The DPR Executive Director reserves the right to suspend an Event during a certain period of time or to revoke an Event Permit due to *Force Majeure*. The Permitting Office or DPR Staff will notify the Permittee of the suspension or revocation as early as possible and will identify the reason for the suspension or revocation. An alternative Park or Event Site in a Park and/or alternative Event Date will be offered to the Permittee for the Event if a usable Park or Event Site in a Park or a usable Event Date is available. A refund of Fees will be made for such a suspension or revocation if an alternative Park or alternative Event Date is not offered or not found to be acceptable. The refund will be pro-rated based upon the number of Event Days suspended or revoked. DPR shall have no further liability other than the refund.

8.4 Violations and Enforcement:

8.4.1 In General: If Permittee or the Permittee Workers fail to adhere to or violate the Requirements of this Public Event Policy, the terms or conditions in the Event Permit, the terms and conditions of any permit or license issued by a City Agency, or Applicable Law, the DPR Executive Director reserves the right and discretion:

- to suspend or revoke the Event Permit at any time and not to refund Fees paid by Permittee or the security deposit submitted under section 5.3.2; or, in the alternative,
- to impose restrictions or conditions on the current Event Permit, commensurate with the nature and extent of any violation and appropriate to rectify the violation or to assure no repeat violation, as the DPR Executive Director deems appropriate under the circumstances; and/or
- to have DPR Park Rangers issue administrative citation(s) to the Permittee or the Permittee Workers under the Parks Permitting Ordinance, the Park Use Rules & Regulations, and/or this Public Event Policy and in accordance with the Administrative Citations Rules & Regulations adopted by the DPR Executive Director. Also see Part VII of this Public Event Policy.

8.4.2 Prior to Event Permit Approval: If the Applicant should fail or refuse to fulfill the Requirements in the Pending Permit Approval, as specified in section 5.1.1, in a timely, complete and accurate manner and provided that the Pending Permit Approval is not rescinded, the Applicant shall be subject to the following penalties, as directed by the DPR Executive Director:

- For the first violation within three consecutive years: A one hundred dollar (\$100) penalty charge plus ten percent (10%) of the Fee applicable to the Event under the Fee Ordinance. The Applicant will be notified of the deficiency or deficiencies and given four (4) calendar days from the date of notice to rectify the deficiency or deficiencies and to pay the penalty amount specified above. If the Applicant should fail or refuse to comply, the Pending Permit Approval will be rescinded and be deemed denied.
- For the second violation within three consecutive years: A one hundred dollar (\$100) penalty charge plus twenty percent (20%) of the Fee applicable to the Event under the Fee Ordinance. The

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Applicant will be notified of the deficiency or deficiencies and given four (4) calendar days from the date of notice to rectify the deficiency or deficiencies and to pay the penalty amount specified above. If the Applicant should fail or refuse to comply, the Pending Permit Approval will be rescinded and be deemed denied. In addition, if the Event is a Priority Event or in the process of qualifying to be a Priority Event, all claims to such status shall be deemed lost.

- For the third violation within three consecutive years: The Pending Permit Approval will be rescinded and deemed denied. In addition, if the Event is a Priority Event or in the process of qualifying to be a Priority Event, all claims to such status shall be deemed lost.

8.4.3 Other Administrative Violations: Upon issuance of the Event Permit, if the Permittee should do any of the following:

- Fails or refuses to hold the permitted Event or cancels the Event for reasons other than *Force Majeure*;
- Deliberately provides false or misleading information or documentation or deliberately misinforms through other communications with the Permitting Office, DPR Staff, or other City Agencies;
- Fails or refuses to arrange for or keep in place during the Event any required security;
- Fails or refuses to timely or satisfactorily renew or replace required insurance coverage or required financial assurances, should they expire or be terminated by insurer;
- Substantively violates any Liquor License issued for the Event or any law regulating the sale, service or public consumption of Alcohol Beverages (this is in addition to the actions that may be taken for violations under section 8.5);
- Fails or refuses to obtain or keep in effect required permits or licenses from other City Agencies;

the Permittee shall be subject to the following penalties, as directed by the DPR Executive Director:

- For the first violation within three consecutive years: A one hundred dollar (\$100) penalty charge plus ten percent (10%) of the Fee applicable to the Event under the Fee Ordinance plus forfeiture of twenty-five (25%) of any required security deposit. In addition, if the Event is a Priority Event or in the process of qualifying to be a Priority Event, all claims to such status shall be deemed lost.

- For the second violation within three consecutive years: A one hundred dollar (\$100) penalty charge plus twenty percent (20%) of the Fee applicable to the Event under the Fee Ordinance plus forfeiture of fifty (50%) of any required security deposit. In addition, if the Event is a Priority Event or in the process of qualifying to be a Priority Event, all claims to such status shall be deemed lost.

- For the third violation within three consecutive years: The Event Permit will be revoked, any required security deposit will be forfeited, and any existing or pending Priority Event status shall be deemed lost.

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In addition the penalties set forth in this section 8.4.3, the Permittee may be subject to administrative citations as provided in section 8.4.1.

8.4.4 Event Enforcement for Violations Caused by the Permittee: Upon issuance of the Event Permit and during the Event and Load-In and Load-Out, if the Permittee or any employees of the Permittee should do any of the following:

- Fails or refuses to substantially comply with approved plans;
- Fails or refuses to substantially comply with any Special Rules or other terms and conditions contained in the Event Permit (not otherwise addressed in section 8.4.3);
- Fails or refuses to substantially comply with required permits or licenses from other City Agencies; or
- Fails or refuses to substantially comply with any applicable Requirements set forth in Part VI or Part VII of the Public Event Policy.

the Permittee shall be subject to the following penalties, as directed by the DPR Executive Director:

- For the first violation within three consecutive years: A written warning.
- For the second violation within three consecutive years: A fine of one hundred dollars (\$100) plus ten percent (10%) of the Fee applicable to the Event under the Fee Ordinance.
- For the third violation within three consecutive years: A fine of one hundred dollars (\$100) plus twenty percent (20%) of the Fee applicable to the Event under the Fee Ordinance.
- For the fourth violation within three consecutive years: A fine of one hundred dollars (\$100) plus thirty percent (30%) of the Fee applicable to the Event under the Fee Ordinance. In addition, if the Event is a Priority Event or in the process of qualifying to be a Priority Event, all claims to such status shall be deemed lost.
- For the fifth violation within three consecutive years: The Permittee shall be barred from being granted any Event Permit for three (3) years. In addition, if the Event is a Priority Event or in the process of qualifying to be a Priority Event, all claims to such status shall be deemed lost.

In addition the penalties set forth in this section 8.4.4, the Permittee may be subject to administrative citations as provided in section 8.4.1.

8.4.5 Event Enforcement for Violations Caused by Permittee Workers: Upon issuance of the Event Permit and during the Event and Load-In and Load-Out, if the Permittee Workers, other than employees of the Permittee, should do any of the following:

- Fail or refuse to substantially comply with approved plans;
- Fail or refuse to substantially comply with any Special Rules or other terms and conditions contained in the Event Permit (not otherwise addressed in section 8.4.3);

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- Fail or refuse to substantially comply with required permits or licenses from other City Agencies; or
- Fail or refuse to substantially comply with any applicable Requirements set forth in Part VI or Part VII of the Public Event Policy.

the Permittee shall be subject to the following penalties, as directed by the DPR Executive Director:

- For the first violation within three consecutive years: A written warning.
- For the second violation within three consecutive years: A fine of one hundred dollars (\$100) plus five percent (5%) of the Fee applicable to the Event under the Fee Ordinance.
- For the third violation within three consecutive years: A fine of one hundred dollars (\$100) plus ten percent (10%) of the Fee applicable to the Event under the Fee Ordinance.
- For the fourth violation within three consecutive years: A fine of one hundred dollars (\$100) plus fifteen percent (15%) of the Fee applicable to the Event under the Fee Ordinance.
- For the fifth violation within three consecutive years: A fine of one hundred dollars (\$100) plus twenty percent (20%) of the Fee applicable to the Event under the Fee Ordinance.
- For the sixth violation within three consecutive years: A fine of one hundred dollars (\$100) plus thirty percent (30%) of the Fee applicable to the Event under the Fee Ordinance.

Section 8.4.5 shall apply only so long as the violation by the Permittee Worker is not incurred at the direction of the Permittee or with the Permittee's prior knowledge, in which case section 8.4.4 shall apply. In addition the penalties set forth in this section 8.4.5, the Permittee and the Permittee Workers may be subject to administrative citations as provided in section 8.4.1.

8.4.6 Administrative Appeal: Any citation or penalty assessed under section 8.4 shall be subject to appeal under the Administrative Citations Rules & Regulations, as amended and as adopted by the DPR Executive Director. Any suspension or revocation is subject to appeal under section 8.2.

8.5 Alcohol Beverage Suspension: DPR and other City Agencies reserve the right to suspend the sale or service of Alcohol Beverages due to the failure or refusal by the Permittee, the Permittee's agents or representatives, the Permittee Workers or any Alcohol Vendor (as defined in section 6.3.3) authorized by the Permittee to sell and/or serve Alcohol Beverages at an Event to materially comply with the Alcohol Policy, the Liquor License issued for the Event, section 8.0 of the Park Use Rules and Regulation, or section 39-10, DRMC, and Applicable Law, including but not limited to:

- allowing or contracting with a Permittee Worker or Alcohol Vendor to sell Alcohol Beverages at an Event when that Permittee Worker or Alcohol Vendor is barred or not authorized under Applicable Law to sell or serve Alcohol Beverages;
- selling or serving or allowing the selling or service of Alcohol Beverages to a visibly intoxicated person or a person under the age of twenty-one;
- allowing the serving or selling of Alcohol Beverages outside of the allowable hours specified on the Event Permit or Liquor License issued for the Event, whichever is more restrictive;

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- allowing Alcohol Beverages sold and served at an Event to be taken by Attendees off of the premises authorized for the consumption of the Alcohol Beverages; or
- engaging in any activity related to the sale or service of Alcohol Beverages that exposes DPR and the City to liability or penalties under Applicable Law.

The suspension of the right to sell or serve Alcohol Beverages may occur prior to the start of an Event, during the Event, or the next time the Event or another Event by the Permittee is held. Notice of the suspension shall be provided in writing by the Permitting Office or DPR Staff. Upon suspension, all permissions granted by the Permitting Office allowing for the sale or service of Alcohol Beverages shall be deemed withdrawn. In addition, for any violation of section 8.0 of the Park Use Rules and Regulations and section 39-10, DRMC, a Park Ranger may issue an administrative citation in accordance with the Administrative Citations Rules & Regulations adopted by the DPR Executive Director.

8.6 Admission-Based Events: DPR reserves the right to suspend the collection or receipt of admission charges for Admission-Based Events if DPR Staff should determine that the Permittee or the Permittee's agents or representatives have substantively violated the Admission-Based Events Policy or Section 8.8 of this Policy. The suspension of admission charges for Admission-Based Events may occur prior to the start of an Event, during the Event, or the next time the Event or another Event by the Permittee is held. Notice of the suspension shall be provided in writing by the Permitting Office or other DPR Staff. In addition, for any violation of section 3.0 of the Park Use Rules and Regulations and section 39-5(a), DRMC, a Park Ranger may issue an administrative citation in accordance with the Administrative Citations Rules & Regulations adopted by the DPR Executive Director.

8.7 Seat Tax: If Denver's Facilities Development Admissions Tax (a/k/a "Seat Tax") is applicable, a 10% tax on all such registration or participation fees or charges must be collected and tendered to the Denver Department of Finance.

8.8 Right of the Public: Once granted, an Event Permit gives the Permittee the right to hold an Event exclusive of any other Events or other activities and uses that could have been scheduled in the Event Site, subject to requirements, restrictions and conditions of this Public Event Policy. The Event Permit does not grant the Permittee the right to exclude the public, in whole or part, wishing to attend or participate in the Event or otherwise enjoy the Park. The Permittee may exclude the public from secured or restricted access Support Facilities and from designated areas being used for Load-In and Load-Out. If the Event is approved as an Admission-Based Event, then the Permittee may charge the public for the right of admission to all or a part of the Event, as approved in the Event Permit.

8.9 No Property Interest: An issued Event Permit only allows the Permittee the privilege, not the right, of conducting an Event in a Park. The Permit does not grant any property right, possessory interest or any vested right, or an interest to operate a business, that may be asserted against DPR or the City. A Permit is revocable as provided in this Public Event Policy.

8.10 Not Transferable: An issued Event Permit is not assignable and is non-transferable. Any assignment or transfer of an Event Permit shall automatically void the Event Permit. The Event Permit will be issued in the name of the Applicant named and identified on the Application for the Event. Any effort to delegate or assign this responsibility and liability by the Permittee shall not be binding on the City, the DPR Executive Director, or the Permitting Office, even if so informed of the delegation.

8.11 Right of Access and Maintenance: DPR Staff and representatives of other City Agencies shall have full access, at any time, to the Park, the Event Site in a Park, and other City-owned property being

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used for the Event, including all Load-In and Load-Out areas, and to all activities and Support Facilities at the Event, in order to provide emergency services or ensure that all Applicable Law, this Public Event Policy, and the Event Permit are being complied with. DPR Staff and representatives of other City Agencies shall have the right to maintain and protect the Park or the Event Site in the Park and other City-owned property being used for the Event during the duration of the Event and Load-In and Load-Out, provided that this activity and work does not unduly interfere with the conduct of the Event or Load-In and Load-Out.

8.12 Music Licenses; Copyright: The Permittee shall comply with all applicable patent, trademark and copyright laws, rules, regulations and codes of the United States along with any other protected intellectual property rights. The Permittee will not utilize any protected patent, trademark, copyright, or similar or related rights in public performances, exhibits, displays, or other aspects of an Event unless proper permission or license(s), along with all required releases and other necessary documents, have been obtained and applicable fees paid, including but not limited to performance royalties (e.g., ASCAP – American Society of Composers, Authors and Publishers and BMI – Broadcast Music Inc.). By accepting the Event Permit, the Permittee: 1) warrants that anything legally protected as provided in this section 8.13 has been duly licensed and authorized by the owners of the patents, trademarks, and copyrights or their authorized representatives; 2) will assume all costs, expenses, and damages arising from the use of patented, trademarked, franchised, or copyrighted music, materials, devices, processes or dramatic rights used in association with the Event; and 3) will indemnify, defend, and hold harmless DPR and the City, its elected and appointed officers, employees, and volunteers from any and all claims, losses, expenses, judgment, fines, or penalties, including legal fees, which might arise from use of anything legally protected as provided in this section 8.13. If DPR or the City determines that the Permittee, the Permittee’s representatives or agents or Permittee Workers are in violation of this section 8.13, the City may exercise any remedy available at law or equity or under this Public Event Policy, including immediate revocation or suspension of the Event Permit and any remedy consistent with United States copyright, patent or trademark laws or applicable licensing restrictions.

8.13 Logos and Trademarked Items: Logos of the City, including those for DPR, and items trademarked by the City may not be used on any promotional material or signs without the express written consent of the DPR Executive Director or other City Agency with authority over the logos and trademarked items.

8.14 No Discrimination: In connection with the exercise of its Event Permit, the Permittee must comply with all applicable laws concerning non-discrimination against persons because of their race, color, religion, national origin, gender, age, military status, sexual orientation, gender variance, marital status, or physical or mental disability.

8.15 No Warranties: DPR and the City make no warranties or guarantees as to the suitability or usability of a Park or an Event Site in a Park for a particular Event. The Permittee accepts the condition of a Park or the Event Site in the Park “as is, where is” without any expectation that DPR or the City will take any action to make the Park more suitable or usable for the Permittee’s Event.

8.16 Joint Venture; Contracts: Under no circumstances shall DPR or the City be regarded or represented as being a partner or in a joint venture with the Permittee. The Permittee has no authority to create contractually or by any other means any responsibility or obligation, financial or otherwise, on the part of DPR or the City.

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8.17 Effect on Other Lawful Requirements: Nothing in this Public Event Policy is intended to reduce, limit, waive, override or supersede legal requirements under federal and state law and under City Charter, ordinances and rules and regulations, including but not limited to compliance with rules and regulations adopted, any licenses or permits issued, or other authorizations or approvals required by other City Agencies such as Public Works, Safety (Police and Fire), Excise and Licenses, Environmental Health, Denver Water, Community Planning and Development, Arts & Venues, and Finance. This includes other DPR policies and/or rules and regulations applicable to the Park or the Event Site in a Park at which the Event is held, unless this Policy or the Event Permit expressly provides otherwise.

8.18 Liability: By accepting the Event Permit, the Permittee acknowledges, agrees and assents to the following and waives or releases any rights to act contrary to the following:

8.18.1 Acts or Omissions: Permittee is liable all acts and omissions of Permittee, Permittee's representatives and agents, and Permittee Workers that result in injury, damage, loss or death.

8.18.2 City Property Damage or Loss: Notwithstanding any insurance coverage or security deposit or other financial assurance provided by the Permittee under this Public Event Policy, the Permittee is financially responsible to the City for any and all damage to and/or theft of City property occurring in or about the Park or other City-owned property used by the Permittee for the Event and caused by or resulting from the negligence or willful acts of Permittee, Permittee's representatives or agents, or Permittee Workers. The City reserves the right to pursue any legal remedies available to it to recover any costs or expenses for repairing, replacing, restoring, or cleaning the Park where the Event was held or other City facilities or property destroyed, damaged, lost, or improperly cared for as the result of or in connection with the Event. Other than amounts retained from the security deposit provided for the Event or actually received upon the City making a demand on financial assurances provided for the Event, nothing in this Public Event Policy or the Event Permit shall waive or reduce the liability Permittee may have for such damage or loss.

8.18.3 Permittee Injuries, Damage or Loss: DPR and the City will not be held liable (including statutory liability under worker's compensation laws) for any injuries (including death) by Permittee, Permittee's representatives or agents, Permittee Workers, or Attendees resulting from or associated with the Event or the use or occupancy of the Park and/or other City facilities or property used in connection with the Event, nor will the City be held responsible for loss, damage or theft of any equipment or personal articles owned, leased or rented by the Permittee, Permittee's representatives or agents, Permittee Workers, or Attendees used or related in any respect to the Event or the use or occupancy of the Park and/or other City facilities or property used in conjunction with the Event. Permittee releases and waives all claims for injuries, loss, damage or theft against DPR and the City and for all costs and expense arising from such injuries, loss, damage, or theft.

8.19 Taxes and Liens:

8.19.1 Taxes: The Permittee and the Permittee Workers shall collect and promptly pay to the Denver Department of Finance and to the State of Colorado all taxes, excise, or license fees of whatever nature applicable to its activities, uses, and sales associated with the Event as required under Applicable Law, and further shall furnish the Permitting Office, upon request, duplicate receipts or other satisfactory evidence showing the prompt payment of all taxes and fees referred to above. Appropriate records of payments shall be maintained and made available in accordance with Applicable Law. The Permittee shall be responsible for seeing that any Permittee Worker shall likewise comply with the provisions of this section 8.19.

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8.19.2 Liens: The Permittee and Permittee Worker shall not permit any mechanic's or materialman's liens or any other liens to be imposed upon any City-owned property, or any part thereof, by reason of any work or labor performed or materials furnished by any person or legal entity to or on behalf of the Permittee or Permittee Worker, either pursuant to C.R.S. § 38-26-107 or by any other authority. The Permittee and Permittee Worker shall promptly pay when due all bills, debts and obligations incurred in connection with the Event and shall not permit the same to become delinquent. The User shall not permit any lien, judgment, execution or adjudication of bankruptcy which will in any way impair the rights of the City under this Agreement or to the City's property. The Permittee and Permittee Worker shall timely obtain and submit all documentation or other certifications necessary to demonstrate, to the satisfaction of DPR, that all liens and claims for labor, materials, equipment, or other services or goods have been released and waived or released upon the Permittee or Permittee Worker posting an appropriate and sufficient bond or other surety, and that all City-owned property is free of any liens or claims associated with work performed by or on behalf of the Permittee or Permittee Worker.

8.20 Governmental Immunity: Nothing in the Requirements of this Public Event Policy or an Event Permit shall constitute a waiver, implied or expressed, of the monetary limitations and all other rights, immunities and protection provided to the City by the Colorado Governmental Immunity Act, sections 24-10-101 et seq., C.R.S. and other law. All notice requirements provided by such laws shall be strictly complied with.

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This Public Event Policy has been duly adopted in accordance with the rule-making requirements of section 39-2, DRMC, and is in accordance with the authority of the Executive Director of the Denver Department of Parks and Recreation under section 2.4.4 of the City Charter.

This Public Event Policy is adopted effective this ____ day of _____, 2016.

In accordance with section 39-2, D.R.M.C., copies of this Public Event Policy was filed with the Denver Clerk and Recorder and the Denver City Attorney within seven (7) days of the effective date set out above, and a notice of the adoption of this Public Event Policy was published in _____ on the ____ day of _____, 2016. The notice included a statement that a copy of the Public Event Policy is on file with the Executive Director of Parks and Recreation and is available for public inspection.

APPROVED AND ADOPTED:

Allegra “Happy” Haynes
Executive Director of Parks and Recreation

APPROVED FOR LEGALITY:

City Attorney for the City and County of Denver

Assistant City Attorney