

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2010

COUNCIL BILL NO.
COMMITTEE OF REFERENCE:

A BILL

For an ordinance amending subsection 10 of section 39-121 pertaining to fees and charges to be paid to City for admission-based events in parks.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That subsection 10 (Park permit fees) of section 121 (Schedule for Use of Facilities) of Article IV (Fees and Charges) of Chapter 39 (Parks and Recreation) of the Revised Municipal Code shall be amended by deleting language and numbers stricken and adding the language and numbers underlined, as follows:

39-121. (10) Parks permit fee schedule:

a. Shelter/picnic sites: The manager shall designate which park spaces and shelters subject to permitting fall under the categories in the table below. The duration of time blocks shall be established by the manager of parks and recreation. Fee per time block:

	Monday—Thursday	Friday--Sunday and Holidays
<i>City parks</i>		
Shelter	\$97.00	\$97.00
Non-shelter	51.00	51.00
<i>Mountain parks</i>		
Small shelter	97.00	97.00
Large shelter	123.00	see below
-Newton Juvenile & Commissioner	n/a	311.00
-Newton Stromberg & Genesee	n/a	397.00
Non-shelter	51.00	51.00
Rescheduling Fee	10.00	10.00

b. Special events (including festivals, races, walks, and special occasions). The manager shall designate which locations within parks subject to permitting fall under the categories in the table below. The duration of time blocks shall be established by the manager of parks and recreation. Fee per time block:

Estimated Number of Daily Attendees for Special Event	Standard Daily Fee Without Alcohol	Standard Daily Fee With Alcohol
1 to 350	\$ 260.00	\$ 440.00
351 to 3,000	855.00	1430.00
3,001 to 10,000	1045.00	1785.00
10,001 to 25,000	1990.00	3060.00
Over 25,000	3775.00	3925.00
Application Fee	\$25.00	\$35.00
Nonprofit Applicants	50% discount on standard daily fee (for all days of the special event)	50% discount on standard daily fee (for all days of the special event)
Set-up/dismantling charge	50% of standard (nondiscounted) daily fee	50% of standard (nondiscounted) daily fee
Damage Deposit (750+ attendees)	75% of standard daily fee	75% of standard daily fee
Rain Date Fee	50% of base permit fee	50% of base permit fee

Other charges and costs for equipment, stages, show wagon, and support associated with special events may be established and/or assessed by the manager of parks and recreation.

c. Event facilities:

Washington Park Boathouse	
- 9 hour rental without alcohol	\$350.00
- 9 hour rental with alcohol	600.00
City Park Pavilion	
- 9 hour rental without alcohol	\$350.00
- 9 hour rental with alcohol	600.00
Montclair Civic Building	
- Evening and weekends (per hour)	\$100.00
- Weekdays (per hour)	50.00
Nonprofits discount	50%

For Chief Hosa Lodge fee schedule, see subsection 29-121(18) below.

d. Admissions-Based Events. This provision shall only be applicable to a permit issued for an event under paragraphs b. and c. of this sub-section 39-121(10) for which an admissions-based event has been authorized in accordance with the adopted policies of the department of park and recreation.

1. Facilities Development Admissions Tax. Prior to the issuance of a permit for any festival, race, walk, special occasion or event facility event for which an admissions-based event is authorized, a determination, in writing, must be obtained from the department of finance as to whether the Facilities Development Admissions Tax under article VII of chapter 53 of the Denver revised municipal code is applicable to the proposed admissions-based event. If the

1 Facilities Development Admissions Tax is applicable, then the tax must be collected and remitted
2 as prescribed by the Facilities Development Admissions Tax ordinance. Nothing in this paragraph
3 d. of sub-section 39-121(10) is intended to amend, modify or reduce any requirements or
4 obligations under the Facilities Development Admissions Tax ordinance.

5
6 2. Guaranteed Minimum. In accordance with procedures prescribed by the
7 department of parks and recreation, the permit applicant shall pay, an amount equal to one and a
8 half (1 ½) times the total daily fees applicable under paragraphs b. and c. of this sub-section 39-
9 121(10) for the type of event proposed by the permit applicant (the "Guaranteed Minimum"). The
10 Guaranteed Minimum shall not be refundable unless the department of parks and recreation
11 denies the permit application or revokes the permit prior to the event without cause.

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13 3. Admissions-Based Event Charge. In accordance with procedures prescribed
14 by the department of parks and recreation, the permit holder for the admissions-based event
15 shall be responsible and liable for paying to the City and County of Denver a percentage of the
16 gross ticket sales. Gross ticket sales shall include all receipts received or due for ticket sales,
17 admission charges or the value of other consideration received or due, in order to obtain the right
18 to enter, view and/or participate in an admissions-based event but not including any applicable
19 Facilities Development Admissions Tax paid or to be paid for the event ("Gross Ticket Sales").
20 The percentage amount to be paid for the admissions-based event is fifteen percent (15%) of
21 Gross Ticket Sales reduced by the amount paid or to be paid for any Facilities Development
22 Admissions Tax applicable for the event ("Admissions-Based Event Charge"). In order to verify
23 that the appropriate Admissions-Based Event Charge is paid, the amount of Gross Ticket Sales
24 and the amount of applicable Facilities Development Admissions Tax for the event shall be
25 documented as prescribed by the department of parks and recreation. The Admissions-Based
26 Event Charge shall be timely and completely paid to the City and County of Denver following the
27 event as prescribed by the department of parks and recreation.

28
29 4. Set-up/Dismantling Charge and Damage Deposit. The set-up/dismantling
30 charge and damage deposit requirements, along with other charges and costs for equipment,
31 stages, show wagon, and support associated with events, set forth in paragraph b. of this sub-
32 section 39-121(10) shall be applicable, as specified, for an admissions-based event. For any
33 admissions-based event which is a component of a larger non-admissions-based event, no set-
34 up/dismantling charge or damage deposit will be required for the admissions-based event if the
35 set-up/dismantling charge and damage deposit are paid for the non-admissions-based event.

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37 e. d. Temporary vending permit: all locations:
38 Application fee: \$ 25.00
39 Monthly permit: 200.00
40 One day only permit: 100.00

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42 f. e. Exemptions: The manager of parks and recreation shall exempt from the above
43 permit fees events sponsored by the department of parks and recreation.

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45 **Section 2.** That this ordinance shall be effective _____, 2010.
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1 COMMITTEE APPROVAL: _____.
2 MAYOR-COUNCIL DATE: _____.
3 PASSED BY THE COUNCIL _____ 2010
4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____ 2010

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2010 _____ 2010

10 PREPARED BY: PATRICK A. WHEELER, ASSISTANT CITY ATTORNEY / /10

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City
12 Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The
13 proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

14
15 David R. Fine, City Attorney

16 BY: _____, _____ City Attorney

17 DATE: _____