

CITY COUNCIL COMMUNICATION FORM

FROM: Winnie DelliQuadri, Special Projects and IGS Manager
Rachel Lundy, Special Events Coordinator
Jennifer Bock, Assistant City Attorney

THROUGH: Gary Suiter, City Manager

DATE: February 1, 2022

ITEM: Special Event Enforcement

<input checked="" type="checkbox"/>	DIRECTION
<input checked="" type="checkbox"/>	INFORMATION
<input type="checkbox"/>	ORDINANCE
<input type="checkbox"/>	MOTION
<input type="checkbox"/>	RESOLUTION
<input type="checkbox"/>	PROCLAMATION

I. REQUEST/ISSUE & BACKGROUND INFORMATION:

Staff provided council with a special event update on December 14, 2021 and was directed to bring additional information on enforcement back to city council.

There are two different enforcement mechanisms available for special events. These are city code enforcement through municipal court, and special event condition enforcement through special event permits.

Existing Code Enforcement: The Police Department currently provides the following regular enforcement during special events per the City code:

- Parking Enforcement
- Disorderly Conduct
- Liquor Law Licensed Premises Boundaries
- Waste Management/Wildlife Container Compliance
- Public Safety Calls for Service

Citations to municipal court resulting from the above enforcement are prosecuted by the City's legal department just as any other traffic or wildlife

citation would be handled. Fines for violations of City code are set either in the code itself, or by the Municipal Court Judge.

Police department reports for parking code violations at special event venues throughout the summer are provided in Attachment 2. The only other code citation is a Wildlife Attractant citation at the SBT Grvl event.

Current Special Event Enforcement: Our current level of enforcement for special event conditions is a post event review with the event producer and staff. If Community Service Officers are called to an event site for municipal code violations, a citation is issued. For multi-day events, city staff have been able to observe instances where the conditions of approval are not being followed and have contacted the event directly to correct and/or have documented the issue for further discussion. Moving forward, parks staff will charge time and materials for damage done or cleanup of the site.

At the debrief meetings, staff and event producers discuss the event and things that worked well and things that need improvement for next year. This process identifies areas of non-compliance and those items are discussed in the next year's pre-event meeting with the event producer. Based on after action review of event producer conformance with special event conditions, staff have proposed that the events identified to have past compliance problems will be notified and subject to inspection should they be granted a permit.

Process Improvement – Notice of non-compliance and Inspection: Each special activity permit includes a set of conditions specific to that event that have been developed during the review process to ensure event safety and minimize impacts. These conditions can include the number of required port-o-lets, the number of required trash and recycling stations, allowed egress to the site, allowed placement of trucks and equipment, waste management, and implementation of approved plans associated with the event. Many event producers follow these conditions, however some do not. Staff have not enforced these permit conditions in the past and are proposing to inspect certain special events where there have historically been issues with the event to ensure compliance.

Such inspections would include prior notice to a special event of their past performance issues and having a Community Service Officer ("CSO") inspect the event for compliance with permit conditions – this could occur prior to, during, and after the event. We anticipate inspecting approximately eight events in 2022. There is currently no staff capacity to inspect conditions at all events. If CSOs find non-compliance with permit conditions, they will document such non-compliance and on the basis of such reports, the City may decide to add permit conditions or restrictions to future special events by the same

producers, or deny future special event permits. CSOs may also issue citations if they observe violations of City code.

Special Event Conditions: Provided as Attachment 3 are the standard conditions of approval that are associated with specific departments, venues, or city services requested. Staff will also add specific conditions of approval for events including the requirement of an alternative parking plan and confirming volunteers for certain duties including management of a parking lot.

History of Event Noncompliance with Special Event Conditions: The events that staff are targeting for inspection in 2022 include the following:

- Lacrosse Tournament (parking, portable toilets)
- Free Concert Series (trash, security, portable toilets, liquor boundary)
- Soccer Tournament (parking-Whistler Park)
- SBT GRVL (trash, parking at Howelsen)
- Art in the Park (liquor boundary, Lincoln closure, signage)
- Triple Crown (parking plan)
- Fall Festival (trash)
- Farmers Market (portable toilets)

If the events above apply for a permit and receive approval, they will also receive a letter listing the issues from the previous year's event and notification of an event inspection by city staff.

Future Compliance options:

1. Compliance plans: Events would have one more year to comply and then be subject to non-renewal. This option enables staff and the event producer to develop a defined plan to mitigate issues and come into compliance the following year. This would allow events who have not had prior issues to make adjustments to their plans without immediate punishment. The challenge of this option would be defining parameters of compliance that would stand up to public scrutiny should an event permit not be renewed.

2. Non-renewal: Denial of permit for events that continue to violate conditions of approval and present a life/safety issue as determined by public safety. This option would require defined parameters of life/safety concerns identified by public safety for non-renewal and a level of discretion for the City Manager. (see Attachment 5). The City would need to be consistent in implementation of this option. This option may be an effective deterrent for event producers. Enacting this option by not renewing an event permit may cause significant consternation and outcry from the community due to community attachment to popular events.

3. Limited days and /or Limited hours: Non-compliance with event conditions is often related to neighborhood impacts. Limiting the size and scope of specific events may reduce community impact in neighborhoods. Restricting the

number of days or number of hours of an event could be difficult for events who require multiple days and all-day use of a venue to accommodate the number of participants/attendees.

4. Restricted locations: Limiting venue choices for specific events may reduce impact in neighborhoods and areas with limited parking and facilities. This option could be difficult for events who require multiple locations for the large number of attendees and/or participants.

5. Fines: Fines may be obtained through citation to municipal court. Voluntary fines related to conditions of approval imposed within a permit would be difficult to enforce, unless the Council wants to amend the Code.

6. Fees: are issued for use of City venues and for City Staff time processing permit applications. Staff propose to charge fees to repair damage to venues. The city could set fees associated with failure to follow event conditions of approval, however it would be challenging to set a fee schedule that was equitable given the variety of event types and sizes. In addition, these fees may potentially be difficult to collect.

7. Security Deposits – this option would require event producers to pay a deposit in advance and the city to refund the deposit should event conditions be met. Event producers are more inclined to take care of city property and follow event permit conditions with a security deposit. However, the majority of our 100+ events follow event conditions and taking and then refunding a security deposit would be challenging to manage and would create a burden on staff. It would also be challenging to develop a fair and equitable schedule of security deposit amounts given the wide variety of event types and sizes.

II. SUMMARY AND ALTERNATIVES:

City council directed staff to provide an update on special event enforcement, with options for moving forward. The city provides code enforcement at all events. Our current level of enforcement for special event conditions is a post event review with the event producer and staff. This process identifies areas of non-compliance and those items are discussed in the next year's pre-event meeting with the event producer. Based on after action review of event producer conformance with special event conditions, staff have proposed that the events identified to have past compliance problems will be notified and subject to inspection should they be granted a permit. Inspection will be a mixture of pre, during, and post event inspection.

Compliance options include:

1. Compliance plans
2. Non-renewal

3. Limited days and /or Limited hours
4. Restricted locations
5. Fines
6. Fees
7. Security Deposits

III. STAFF RECOMMENDATION:

For 2022, City staff recommend:

- Continued code enforcement.
- Warning and inspection of events that have not complied with conditions in previous years.
- Post event warnings and remediation efforts for events that have not complied with conditions in previous years.
- Charging damage fees for events that require City staff time and materials to repair any damages to the event venue. This fee would be charged after the event.
- Denial of permits for events that continue to violate conditions of approval after 2 years and are identified as a life/safety risk by public safety. (see Attachment 5)

IV. FISCAL IMPACT:

The intent of any proposed fees and/or fines is to bring about compliance and minimize impacts on neighborhoods. We do not anticipate this as a source of revenue. There will be some costs associated with enforcement.

V. LEGAL ISSUES:

None identified.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None identified.

VII. CONSISTENCY WITH COUNCIL GOALS AND POLICIES:

This item directly addresses the city mission to provide superior services and a safe environment in our thriving authentic community.

ATTACHMENTS:

1. Special Event Enforcement Powerpoint
2. Police Data
3. Special Event Conditions
4. Enforcement Checklist

5. Special Event Policies