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Department Policy and Procedures

Policy Name: **Admissions Based Events**

Effective: 09.10.10
Supersedes: new

Approved by Parks and Recreation Advisory Board: August 12, 2010
Approved by Manager: September 10, 2010
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Contents

- 1.0 Policy
- 2.0 Definitions
- 3.0 Authority & Applicability
- 4.0 Background
- 5.0 Park Facilities Authorized for Admissions Based Events
- 6.0 Restrictions
- 7.0 Permitting Procedures and Review Criteria
- 8.0 Fees, Charges & Taxes

1.0 POLICY

The purpose of this Admissions Based Events Policy (**Policy**) is to establish the policy of the Department of Parks and Recreation (**DPR**) and to implement rules and regulations with respect to permitting of admission-based or ticketed events in DPR parks and related facilities. It is the intention of DPR to provide the citizens of Denver a range of opportunities to enjoy admissions-based or ticketed events held in DPR parks and related facilities subject to the qualifications, restrictions and criteria of this Policy.

2.0 DEFINITIONS

2.1 "Park Facility" means those parks and facilities in parks which contain Festival Permit Sites, Event Facility Permit Sites, and Special Occasion Permit Sites, as listed or defined in section 5.0 of this Policy and subject to the applicability limitations stated in subsection 3.2 of this Policy.

2.2 "Admissions Based Event" means any kind of event for which a private entity has to obtain a DPR permit and for which an admission will be charged, a paid ticket for entry will be required, or where other consideration must be provided in order to enter the permitted space within a Park Facility.

3.0 AUTHORITY & APPLICABILITY

3.1 Authority. Under section 2.4.4 of the City Charter, the management, operation and control all parks and facilities owned by the City and County of Denver for park and recreational purposes are under the exclusive control of DPR and its Manager. Fees for the use of such parks and facilities and the enforcement of rules and regulations adopted by the DPR Manager for the public's use of such parks and facilities are provided by ordinance. All City ordinances and all rules and regulations adopted by the DPR Manager restricting or prescribing the public's use of such facilities shall be applicable in addition to the qualifications, restrictions, and requirements of this Policy and any terms and conditions contained in the issued Permit.

3.2 Applicability. This Policy shall be applicable to Parks Facilities, as defined in this Policy, at which an Admissions Based Event is held. This Policy does not replace, preempt or supersede any other DPR policy or rules and regulations currently in place or which may be adopted in the future except to the extent expressly stated in this Policy and necessary to implement this Policy and its rules and regulations. This Policy does not modify the DPR Alcohol Policy which shall be applicable to Admissions Based Events at which alcohol beverages are sold, served, and/or consumed. This Policy does not apply to:

3.2.1 Recreation facilities covered under the DPR Recreation Facility Permitting Policy;

3.2.2 Any facility under DPR jurisdiction for which a cooperative agreement or other contractual arrangement or written memorandum of understanding has been entered with a private entity or other governmental entity for the management and operation, in whole or part, of that facility, including but not limited to the Denver Zoo, the Museum of Nature and Science, the Botanic Gardens, Gates Tennis Center, Four Mile Historic Park, Denver Performing Art Sculpture Park, and golf concessions;

3.2.3 Any facility under DPR jurisdiction for which DPR assesses or collects an admission charge, such as the Buffalo Bill Museum and City-operated golf courses;

3.2.4 Any fees or charges that organizers or sponsors who obtain DPR-issued permits for holding race or walk events in DPR parks may require from participants in the race or walk events; and

3.2.5 Any fees or charges that teams or team sponsors with DPR-issued permits for DPR athletic fields may impose upon players or other active participants in sporting events played on DPR athletic fields or upon spectators attending these sporting events.

4.0 BACKGROUND

Increasingly over the years, citizens and event organizations contacted DPR to clarify the implementation of admissions based events in the Denver Park system. To ensure a broad level of participation, DPR invited a diverse group of individuals & organizations to join in the discussion in a Task Force including representatives from all City Council offices, members of festival and concert promoter groups, park advocacy groups, neighborhood organizations, and other stakeholders. After two years of research, deliberation and policy development, the Task Force, and subsequently the Parks and Recreation Advisory Board, recommended to the DPR Manager to allow admissions based events in DPR Park Facilities. Taking into consideration scope, logistics, and neighborhood impacts and based on reasonable parameters and permitting guidelines, the Park Facilities listed or defined in Section 5.0 were identified as permissible sites for Admissions Based Events subject to the specified restrictions and permitting procedures.

5.0 PARK FACILITIES AUTHORIZED FOR ADMISSIONS BASED EVENTS

The following Park Facilities contain sites at which Admissions Based Events may be permitted:

Festival Permit Sites *

City Park
Civic Center Park
Confluence Park
Skyline Park
Central Park – Stapleton
Parkfield Park
Ruby Hill Park

* Refer to the DPR Alcohol Policy as to which Festival Permit Sites allow the sale and service of alcohol beverages.

Event Facility Permit Sites: Buildings or pavilions located within City-owned parks, including any balconies or patios appurtenant to said buildings or pavilions, in which the DPR Manager has authorized permitted events.

Special Occasion Permit Sites: Specific outdoor or shelter locations within City-owned parks at which the DPR Manager has authorized permitted “by invitation only” events to be held by individuals, organizations, and other entities.

NOTE: Festival Permit Sites and Special Occasion Permit Sites are specific locations or facilities within Denver parks where the DPR Manager has authorized the holding of festivals or special occasion events.

6.0 **RESTRICTIONS.**

The following restrictions shall be applicable to the Park Facilities listed or defined in subsection 5.0:

6.1 **Festival Permit Sites:**

- No more than four (4) days (including set up and tear down time) within any thirty (30) day period shall be allowed for any Admissions Based Event(s) in a given park (no matter the number of possible Festival Permit Sites there are in the given park).
- No more than one Admissions Based Event can be held in a given park at one time.
- To create some time separation between events, five (5) days must separate any one (1) day Admissions Based Event from the next Admissions Based Event and twelve (12) days must separate any two (2) or more days Admissions Based Event from the next Admissions Based Event in a given park.
- No Admissions Based Event shall allow public attendance to exceed seven thousand five hundred (7500) persons or the maximum carrying capacity of the site, per day, where the Admissions Based Event is to be held, whichever number is less.
- No Admissions Based Event shall occupy more than twenty percent (20%) percent of a contiguous area in a given park in which the Event is held or five (5) contiguous acres, whichever size is smaller.
- Admissions Based Events are scheduled on a first come/first served basis subject to annual permitting schedules.
- The DPR Manager reserves the right to designate a specific site within a park listed in section 5.0 (Festival Permit Sites) for the Admissions Based Event which is in compliance with the restrictions of this subsection 6.1. The area and location of the Admissions Based Event will be specified in the issued permit.

6.2 **Event Facility Permit Sites:**

- An Admissions Based Event shall not extend beyond the ordinary permitted area for the Event Facility, as provided in the issued permit.
- No more than four (4) one-day Admissions Based Events shall be held in any Event Facility within any thirty (30) day period.
- Attendance at an Admissions Based Event is limited to the carrying capacity of the Event Facility Permit Site.

6.3 Special Occasion Permit Sites:

- An Admissions Based Event shall not extend outside the location approved for Special Occasion events, as provided in the issued permit.
- Special Occasion permits are issued solely for private events at which all attendees are present by invitation only.
- No more than four (4) one-day Admissions Based Events shall be held in or at any Special Occasion Site within any thirty (30) day period.
- Attendance at an Admissions Based Event is limited to the carrying capacity of the Special Occasion Permit Site.

6.4 General restrictions (applicable to all Parks Facilities at which Admissions Based Events are held):

- In order to assure that no one party dominates the use of Park Facilities for Admissions Based Events, no one party will be allowed to obtain more than one permit more frequently than once every twelve (12) days for any Admissions Based Events. This 12-day restriction shall apply to all Admissions Based Events in all Parks Facilities. “**One party**” shall mean: 1) any organization or entity or its parent, subsidiary, or affiliated organization or entity; 2) any person employed by or serving as an officer or director of any organization or entity which held an Admissions Based Event during the prior thirty (30) days; 3) any one person, married couple, or single family (mother, father, brothers, and sisters); and 4) any person or entity acting as agent or representative of, or applying for a permit for the use of, any of the parties described in 1) through 3) above.
- An Admissions Based Event must comply with the DPR Alcohol Policy and state and local liquor licensing requirements if alcohol beverages are permitted to be sold, served, and/or consumed on DPR property.
- The permit holder for the Admissions Based Event shall ensure that all DPR rules, regulations, and policies and the ordinances and laws of City and County of Denver and the State of Colorado, as well as all permit requirements, conditions, and restrictions in the issued permit, are adhered to with respect to the Event. A permit may be revoked for failure to comply.

7.0 PERMITTING PROCEDURES AND REVIEW CRITERIA

7.1 In order to hold an Admissions Based Event in any Park Facility, a Festival, Event Facility, or Special Occasion permit must be obtained expressly allowing for an Admissions Based Event. Permit applications, along with all other required documentation, shall be submitted to the DPR Facility Use Permit Office. It is recommended that the submittal be made no less than 30 days prior to the event date.

7.2 Depending on the scale and logistics of the anticipated event and potentially significant impacts on the park and the surrounding neighborhood, the DPR Facility Use Permit Office may require additional information, maps and/or plans to be submitted, including but not limited to: event layout and site operations, crowd control and fencing, traffic control and parking, emergency services and first aid, community outreach, park protection, power and utility service, alcohol service, signage, trash and sanitation, fire protection, and security services. These plans, maps and other information, once deemed complete by the DPR Facility Use Permit Office, may be distributed to various City and other governmental authorities for review and comment. Based on comments received and its own review, the DPR Facility Use Permit Office may impose reasonable conditions on any Admissions Based Event permit to mitigate or control potential impacts of the proposed event.

7.3 The DPR Manager reserves the right to decline a request for a permit for an Admissions Based Event at a given Park Facility due to, among other considerations: 1) failure of applicant to submit a complete or accurate application or required plans or to timely supplement the application or plans upon request; 2) inability or refusal to comply with other applicable parks permitting requirements, such as insurance; 3) conflicting prior permits or conflicting prior applications for the same site; 4) historically occurring events which are scheduled or anticipated to be scheduled at or about the same time and in the same park or a nearby park; 5) planned or anticipated park work or rest periods in the park; 6) free days at nearby cultural facilities; and 7) exigent circumstances.

7.4 Permits that have been denied for noncompliance with submittal requirements may be resubmitted upon addressing all noncompliance issues as long as they are resubmitted within the 30-day period specified in 7.1.

8.0 FEES, CHARGES & TAXES

8.1 **Fees and charges**, set forth in section 39-121, DRMC, or elsewhere as authorized by section 39-121, DRMC, shall be applicable for permits issued for Admissions Based Events held at a Festival Permit Site, Event Facility Permit Site, and Special Occasion Permit Site.

8.2 **Seat Tax.** If Denver's Facilities Development Admissions Tax (a/k/a Seat Tax) is applicable to the Admissions Based Event, a 10% tax on all such admission, registration or participation fees or charges must be specified as a separate charge on the ticket or admissions form issued, collected and tendered to the Denver Department of Finance. All applicants for permits for an Admissions Based Event are advised to consult with the Denver Department of Finance well in advance of an Admissions Based Event and may be required by DPR to demonstrate whether the Seat Tax is applicable and, if so, how it will be complied with.

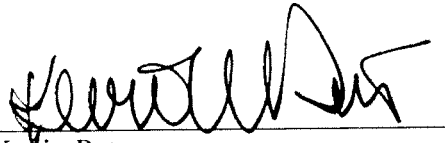
8.3 **Other charges and costs** for equipment, stages, show wagon, and support by DPR staff associated with the Admissions Based Event shall be assessed in accordance with rates and requirements set by the DPR Manager.

This Admissions Based Events Policy (the "Policy") has been duly adopted in accordance with the rule-making requirements of section 39-2 of the Denver Revised Municipal Code and is in accordance with the authority of the Manager of the Denver Department of Parks and Recreation under section 2.4.4 of the Denver City Charter.

This Policy is effective this 10th day of September, 2010.

In accordance with section 39-2(e), D.R.M.C., copies of this Policy were 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 Policy was published in the Denver Daily Journal on the 13 day of September, 2010. The notice included a statement that a copy of the Policy is on file with the Manager of Parks and Recreation and is available for public inspection.


APPROVED AND ADOPTED:



Kevin Patterson
Manager of Parks and Recreation

APPROVED FOR LEGALITY:

City Attorney for the City and County of Denver



Assistant City Attorney