

# THE VILLAGE OF TAOS SKI VALLEY

## ORDINANCE NUMBER 10-35 Amending Ordinance 01-35

AN ORDINANCE RELATING TO OUTDOOR ENTERTAINMENT; VILLAGE PERMITS FOR OUTDOOR ENTERTAINMENT;  
PROVIDING FOR PENALTY.

WHEREAS the Village desires to promote the health, safety and welfare of its residents and guests; and

WHEREAS outdoor public celebrations and events promote tourism and provide recreational opportunities for the residents and guests of the Village; and

WHEREAS, outdoor celebrations and events need to be properly controlled to ensure the health, safety and welfare of the participants and the general public.

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF TAOS SKI VALLEY THAT:

1. Permit Required for Outdoor Entertainment: Pursuant to the Villagers statutory authority under NMSA 1978, § 3-18-17 to define and abate a nuisance and to regulate or prohibit any amusement which tends to annoy persons on a street or public ground and the authority under NMSA 1978, § 3-18-17 to preserve peace and order within the municipality:
  - a. Persons desiring to sponsor, promote or put on any sort of event which includes outdoor entertainment of any kind which is open to the public and is for 50 or more participants shall, not less than 14 days prior to the planned event, make application to the Village of Taos Ski Valley for approval of a permit allowing the entertainment.
  - b. Such application shall be on a form provided by the Village and shall include the date of the event; the beginning and ending times of the event; the location of the event; the size of the event (number of participants and/or spectators expected); the purpose of the event; and a description of the event or entertainment to be provided. The applicant may be required to consult with the Village Administrator, Village Marshal, Village Fire Chief and Director of EMS Services or their designees after submitting an application regarding appropriate plans for the event.

A diagram of the premises showing the location of activities, emergency access and a description of how access to the event is to be controlled shall be provided. If alcoholic beverages are to be served, the identities of both the sponsor of the event and the alcoholic beverage licensee who will cater the event shall be provided. A picnic liquor license for the event may be required.
  - c. The application shall be accompanied by a cashier's check in the currently required amount or other equivalent security as a guarantee of compliance with Section 4.e., Cleanup of Area, of this Ordinance.
  - d. In determining whether to issue the permit the Village Administrator, Village Marshal, Village Fire Chief and Director of EMS Services shall consider:
    - i. the loudness of the entertainment;
    - ii. necessary sanitary facilities required for the event;
    - iii. the proposed times during which entertainment will be provided; and
    - iv. the location of the event in relation to residential areas and commercial establishments.
    - v. other factors associated with public health and welfare, security and safety of the event participants and the general public.
  - e. The Village may issue one permit allowing multiple entertainments for a period of up to one year.
2. Appeal: If the Village Administrator denies a permit application, the applicant may appeal the decision to the Village Council. Such an appeal hearing shall be held at the next regular Village Council meeting or such other time as deemed appropriate by the Village Council.
3. Penalties: Should a permit applicant fail substantially to adhere to the plan on which permit approval was based, the Village Marshal may order the event or function terminated immediately on notice to the permittee. Any person who violates this Ordinance or fails to follow the plan upon which the permit is based shall be subject to a fine not to exceed \$500.00 and imprisonment for not more than 90 days or both.
4. Standards: Each special event shall meet the following standards:
  - a. Sanitary Facilities: All special events shall have an adequate number of sanitary facilities. Facilities in adjacent buildings may be used with the written consent of the property owner if, during the event, the exterior of the building is clearly marked to show the availability of facilities. Portable outdoor toilets may be used if the Village approves their use and location.
  - b. Waste Receptacles: Adequate waste receptacles shall be provided at the sponsors expense. The number of receptacles shall be subject to approval by the Village.
  - c. Access for Emergency Vehicles: All special events shall have adequate access for emergency vehicles as approved by the Village.

- d. Compliance with Other Regulations:^ All special events must meet all other applicable Federal, State and local codes and ordinances.
  - e. Cleanup of Area:^ The person obtaining the permit for an outdoor special event shall be responsible for the cleanup of the area used by the event, plus the public rights-of-way within 150 feet of that area, within 48 hours of the close of the event.
  - f. Liability Insurance:^ All special events shall provide comprehensive public liability insurance with limits of liability of not less than \$1,000,000 combined single limit.^ The Village shall be a named insured for the duration of the event.^ Coverage shall include liquor legal liability if alcoholic beverages are to be served.^ The Village Administrator may permit reduced or no coverage if he finds that the public safety and welfare will not be jeopardized by this reduced coverage.^ The Village Administrator shall advise the Village Council in writing of all pertinent facts when a reduction or waiver is granted.
5. Special Events with Alcoholic Beverages:^ All special events where alcoholic beverages are served shall be subject to the following additional requirements:
- a. All events serving alcoholic beverages must also serve food, water and nonalcoholic beverages at least equally available with the alcoholic beverages.
  - b. Events serving alcoholic beverages outdoors shall serve beverages only in paper or other biodegradable cups.^ Service of alcoholic beverages or other beverages in plastic, metal or glass containers is prohibited, unless the applicant provides an approved recycling plan.
  - c. Events serving alcoholic beverages outdoors shall control access to the event by means of fencing or other adequate security measures which have been approved by the Village.
6. Severability:^ It is the intention of the Village of Taos Ski Valley^ that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village of Taos Ski Valley^ that if any
- provision of this ordinance be declared to be invalid, all other provisions thereof shall remain valid and enforceable.
7. Effective Date:^ This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2009.

Mayor

ATTEST:

Village Clerk