

VILLAGE OF TAOS SKI VALLEY

ORDINANCE No. 25-001

AN ORDINANCE ESTABLISHING A REQUIREMENT FOR AN EVENT PERMIT, PROVIDING FOR A PERMIT FEE, ESTABLISHING CONDITIONS FOR APPROVAL, ESTABLISHING PENALTIES FOR VIOLATION, AND REPEALING ORDINANCE 10-35

WHEREAS, the Village Council, the governing body of the Village of Taos Ski Valley (“Governing Body”) desires to promote the health, safety and welfare of its residents and guests; and

WHEREAS, the Governing Body finds that outdoor public celebrations and events may promote tourism and provide recreational opportunities for the residents and guests of the Village; and

WHEREAS, the Governing Body further finds that outdoor celebrations and events need to be properly regulated to ensure the health, safety and welfare of the participants and the general public and to ensure that such events do not become nuisances.

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

- I. **LEGAL AUTHORITY:** Pursuant to the Village’s statutory authority under NMSA 1978, 3-18-17(B) 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(C) to preserve peace and order within the municipality, the Governing Body of the Village of Taos Ski Valley (the “Village”), as an incorporated government under the laws of the State of New Mexico, does hereby declare, that:
- II. **PERMIT REQUIRED:** 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 can reasonably be expected to draw fifty (50) or more participants shall, not less than thirty (30) days prior to the planned event, make application to the Village for approval of a permit allowing the entertainment.
- III. **APPLICATION:** Such application shall be on a form provided by the Village identifying the required information necessary to obtain the event permit and shall include or shall cause to be attached, at minimum, the following information:

1. DATE: The date of the event.
2. TIME: The beginning and ending times of the event.
3. ATTENDEES: Anticipated attendance, total and hourly.
3. TYPE OF EVENT: Include all intended entertainment, activities, and schedule of events to take place. Are the activities public, private, or age limited. If the event permits or includes the sale or use of any controlled substances or fireworks, firearms, lasers, drones or other potential safety risks, identify here and see SPECIAL CONDITIONS in Section VI.
4. PARTICIPANTS: Estimate of crowd size, whether ticketed or not, maximum capacity allowed and how will crowd limit be enforced. Estimated area the event will be marketed to. The percentage of participants expected to stay at Taos Ski Valley, within Taos County, or day travel to the event.
5. SECURITY PLAN: Describe all security measures to ensure public safety, including controlled access, emergency egress, emergency vehicle access, crowd control, and personal safety measures.
6. MAP: Provide the physical location of the event, as provided on a map acceptable to the Village that shall include the zoning, lot, block and parcel number, highlighted area of the event with dimensions of the event area delineated in feet, including exits and entry points, toilet facilities, food and beverage areas, stages, lighting, generators, emergency aisles and exits and other features relevant to the entertainment and safety of the public, and distances from surrounding residences and businesses.
7. PARKING: identification of sufficient parking, as determined by the Village, distance from the event, any special shuttle arrangements and name and proof of permission of or a contract with, if offsite, the owner of the parking area.
8. INSURANCE: Evidence of event or site insurance for liability and property in amounts sufficient to cover the event and any consequences of the event, as determined by the Village.
9. IMPACT: The applicant should address how the event might impact the Village, residents, participants, traffic, health, environmental factors and safety in those areas that the Village is required to review the proposed event for prior to issuing any approval, and any mitigation measures that applicant will be taking, as applicable, including but not limited to:

9.1. NOISE: loudness of the event at peak decibels and by hour/event/act.

9.2. SANITATION: provision of adequate drinking water, washing stations, toilet facilities.

9.3. LOCATION: Impact (negative or positive) on any businesses or residential properties.

5. PUBLIC SAFETY: Outline contracted or cooperating entities providing on-site and off-site EMS/medical, fire, police, traffic control. Provide contracts/participation agreements. If any private event will require participation or services by officers or employees of the Village, applicant shall provide compensation to the Village in an amount reasonably necessary to cover the costs of such participation or services, as determined by the Village Administrator in his or her absolute discretion.

5. PARKING/SHUTTLE PLAN: Identification of location, number of spaces, any required contracts for use of parking and access easements, and traffic control plans. Special provisions for buses, unloading/loading for vendors, stages, equipment, etc.

6. SOLID WASTE/RECYCLING PLAN: Collection and removal during and post-event of all trash generated by the event and event goers.

7. CONTROLLED SUBSTANCES: Identification of whether any controlled substances (alcohol, marijuana, etc.) will be sold or permitted to be brought or used at the event and any security/control plans related to the above.

IV. APPROVALS REQUIRED: The application for a Village Event Permit shall be reviewed and approved by the following, and in the order described below:

1. Police Chief (public safety review)
2. Fire/EMS Chief (fire and medical safety)
3. Building and Planning (zoning and building code review)
4. Village Administrator (legal, zoning, insurance, ordinance review)
5. State Inspections (CID propane review and NM Health, if applicable)
6. Final Approval (all requirements completed and signed off on)

V. EXEMPTIONS: The following events shall be exempt from obtaining a Village Event Permit:

1. Weddings, funerals, and family celebrations, not exceeding 150 participants.

2. Non-commercial events held entirely indoors.
3. Reunions, not exceeding 200 participants.
4. Non-profit events held entirely for charity, not exceeding 100 participants.
5. Farmers markets.
6. Educational activities open to the public.
7. Yard sales, garage sales and similar residential activity contained to one lot.
8. Events otherwise already receiving federal or state permits held on state or federal lands.

VI. SPECIAL CONDITIONS: Events that contain entertainment features, structures, or other aspects that due to their nature, size or timing may present particular safety issue to the participants, environment, Village, or others may have additional conditions or requirements placed on them in the interest of public, health, safety or welfare. These include, but are not limited to:

1. Fire conditions.
2. Availability of medical, fire and police and fiscal impact on municipality.
3. Sound decibels, sound direction and starting and shutdown times.
4. Proximity to and potential inconvenience to or interference with commercial entities and residential neighborhoods.
5. Traffic and parking availability consistent, with event type and size.
6. Availability of and requirement for supplemental sanitary facilities required for the size and type the event.
7. Offset or minimization of costs to the municipality and taxpayers of the Village.
8. Noise or hours of operation exceeding municipal ordinance(s).
9. Such other factors associated with public health and welfare, security and safety of the event participants, residents and the general public.

VII. EVENTS PERMITTING THE CONSUMPTION OR SALE OF ALCOHOL AND/OR CANIBUS PRODUCTS: All events serving or permitting the consumption of alcoholic beverages and/or marijuana or marijuana infused products must also meet the following conditions:

1. The event organizer must serve or cause to be present sufficient purveyors of food, water and nonalcoholic beverages at least equally as available as the controlled products and with similar or lesser wait times.

2. Events serving or permitting the regulated products 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.
 3. Events serving or permitting alcoholic beverages and/or other regulated substances outdoors shall control access to the event and serving or consumption areas by means of fencing, signage, and security or other adequate security measures which have been approved by the Village and provide a security plan and map of the secured area, including controls points and the use of insured, bonded and trained security personnel.
- VIII. PERMITTING OF MULTIPLE EVENTS: The Village may issue one permit allowing similar multiple events or a season series of events for a period of up to one year.
- IX. 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.
- X. VARIANCES: The Village Administrator may grant a one-time variance from Village requirements regarding noise, hours of operation and other requirements of this ordinance and the noise ordinance for an otherwise permitted event, when it is deemed that the exceedance is anticipated to be de minimis and is otherwise significant to the overall benefit of the event. A variance does not waive a requirement but only allows for the limits of the requirement to be incrementally extended or expanded.
- XI. WAIVER: The Village Administrator may waive all or part of the fees specified by this ordinance and/or its associated implementing regulations where the event is conducted by a governmental, charitable or non-profit entity, or contributes to the health, education, safety or economic benefit of the Village and its residents or visitors.
- XII. EVENT PERMIT FEE AND SECURITY: The Governing Body shall annually, or as frequently as the Governing Body deems advisable, establish the amount to be charged for an EVENT PERMIT, which shall be established on a sliding scale based upon the size of the event, hence, its impact on the Village.

Security in the form of a surety or cash bond as determined by the Village Administrator dependent on the type and size of event and potential clean-up or risk, shall be permitted by this ordinance in order to assure that the Village is not left with uncovered clean-up costs.

- XIII. **PENALTIES:** Should a person or entity fail to obtain an Event Permit for an eligible event, the applicant proceed with an event after being denied a permit, or fail to adhere to the plan on which permit approval was based, the Village Police Chief may order the event or function terminated immediately upon notice to the event holder, their agent or those available at the event, in the absence of the event organizer. Any person who violates this Ordinance or fails to comply with the plan upon which the permit approved shall be subject to a fine not to exceed \$500.00 per day per incident and imprisonment for not more than 90 days, or both, and the Village may use the infraction in its consideration for whether to approve or deny any future permit.
- XIV. **SEVERABILITY:** It is the intention of the Governing Body that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Governing Body that if any provision of this ordinance be declared to be invalid, all other provisions thereof shall remain valid and enforceable.
- XV. **REPEAL OF ORDINANCE:** By the action of the Governing Body contained herein, this Ordinance 2025-001 does hereby repeal and replace Village Ordinance 10-035 An Ordinance Relating to Outdoor Entertainment; Village Permits for Outdoor Entertainment; Providing for Penalty, and its predecessor, Ordinance 01-35.
- XVI. **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 ___MARCH_____, 2025.

VILLAGE OF TAOS SKI VALLEY

Chris Stanek, Mayor

ATTEST:

Marlene Salazar,
Acting Village Clerk