



CARNIVAL APPLICATION Checklist and Instructions

City Clerk's office 303-538-7230
9500 Civic Center Drive
Thornton, Colorado 80229-4326

ALL Documents must be properly executed and correspond with name of applicant exactly.
Please type or print legibly in BLACK ink.
Clear copies of all other information may be submitted.

THE FOLLOWING INFORMATION MUST BE SUBMITTED:

	Completed Application – submitted at least 20 days prior to the event.
	\$100.00 License fee for first day plus \$50.00 for additional days.
	\$250.00 Cash Deposit for anticipated Sales Tax submitted to Sales Tax Division.
	City Sales Tax Temporary Event Application - submitted to Sales Tax Division 303-538-7400.
	Zoning Referral Form signed by the City Development Department.
	A bond in the amount of two thousand dollars (\$2,000.00) -OR- the applicant may submit a cash bond of \$500.00 to \$2,000.00 to the City as deemed appropriate by the City Clerk.
	Diagram showing where carnival will be located. The Chief of Police will review and determine if additional police protection is necessary. If so, a cash deposit may be required.
	A certificate of insurance as evidence that a Public Liability Insurance Policy is in force and effect for the term of the event in an amount of not less than one hundred and fifty thousand dollars (\$150,000.00) per each person and six hundred thousand dollars (\$600,000.00) per each occurrence which names the City of Thornton as an additional insured.
	Furnish evidence as to what arrangements have been made to accommodate parking for patrons while the circus or carnival is in operation.
	Written authorization from the owner or other person in lawful possession of the premises that the circus or carnival may be held or conducted on such premises.
	Name and address of each of the applicant's employees who will be performing services in the City in conjunction with the circus or carnival; and a statement certifying that no amusement ride will be operated by a person under the age of eighteen (18) years.
	If food is to be served, written confirmation of compliance from Tri-County District Health Department.

INSTRUCTIONS:

You will need to contact City Development 303-538-7295 to ensure that the location is properly zoned for this use. If a Temporary Use Permit (TUP) is required, the TUP application and fee will need to be submitted directly to City Development.

At least 48 hours in advance of the opening day of the carnival you will need to contact the Fire Department at 303-538-7602 and the Building Inspection Division at 303-538-7396 to schedule an inspection time.

After the inspections have been approved the Building Inspection Division will give the license to you. If applicable, you will also need to give the approval from the Tri-County Health Department to the Building Inspector.

Following the carnival the City Clerk's office will receive a report from the Code Enforcement Division. If there are no problems, our office will issue a refund check for the cash bond, if applicable. This will be sent to the applicant at the address on the carnival application. Please allow two weeks for processing the refund.

A sales tax return will need to be submitted to the Sales Tax Division within 20 days following the carnival.



CARNIVAL APPLICATION

Chapter 42, Article IV

City Clerk's office 303-538-7230

9500 Civic Center Drive

Thornton, Colorado 80229-4326

Application Date (at least 20 days prior to commencement):	License Fee:
Fees Paid By (Name and Relationship to Company Owner):	Date Fee Paid:

City Sales Tax Temporary Event License:	Date Issued:
State Sales Tax License Number:	Date Issued:

Name of Applicant:	Phone:
Address:	Zip Code:
Name of Owner (leave blank if same as above):	Phone:
Address:	Zip Code:
Name of Operator (leave blank if same as above):	Phone:
Address:	Zip Code:

Complete one of the following sections (Corporation/Individual/Partnership/LLC):	
Corporation Name:	Phone:
Address:	Zip Code:
President Name:	Phone:
Address:	Zip Code:
Driver's License Number:	Date of Birth:
Vice-President Name:	Phone:
Address:	Zip Code:
Driver's License Number:	Date of Birth:
Secretary Name:	Phone:
Address:	Zip Code:
Driver's License Number:	Date of Birth:
Treasurer Name:	Phone:
Address:	Zip Code:
Driver's License Number:	Date of Birth:



CARNIVAL APPLICATION

City Clerk's office – Page 2

Individual Name:	Phone:
Address:	Zip Code:
Driver's License Number:	Date of Birth:

If more than two Partners or Members please attach separate sheet

Partner/Member Name:	Phone:
Address:	Zip Code:
Driver's License Number:	Date of Birth:

Partner/Member Name:	Phone:
Address:	Zip Code:
Driver's License Number:	Date of Birth:

Location of Carnival:	
Name of Property Owner:	Phone:
Address:	Zip Code:

List Dates and Hours of Operation for the License Period

Dates:	Beginning Time:	Ending Time:

I declare under the penalties of perjury, that this application (including any accompanying statements) has been examined by me and to the best of my knowledge and belief is true, correct and complete. I also declare that I have been given a copy of Chapter 42, Article IV of the Thornton City Code, which sets forth the rules and regulations for operation of a Circus or Carnival.

Signature of Applicant:	Date:
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ZONING REFERRAL

Form 5

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Applicant - complete the first three questions, check appropriate box, and submit this form with a copy of the site plan of the premises to the City Development Department
Return the signed form with your application to the Deputy City Clerk in the City Clerk's office

Applicant – Complete this Section Only

Business Name:	
Business Address:	
Type of License applying for:	
<input type="checkbox"/> New License <input type="checkbox"/> Change of Location <input type="checkbox"/> Modification of Premises	

To Be Completed & Signed By City Development / Zoning Division

Zoning for the property is:		
Is the property zoned for the type of license applied for?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Will the Development Review Process be required for this application?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If so, what type of Development Permit is required?	<input type="checkbox"/> Major	<input type="checkbox"/> Minor

If a review is scheduled, please indicate the anticipated hearing date for both the Development Permits and Appeals Board (DPAB) & City Council:	DPAB:
	City Council:

Is the building going to be expanded/enlarged?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Please address parking issues as part of your review:

Comments:

Signature City Development/Zoning Division:	Date:
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ARTICLE IV. CIRCUSES AND CARNIVALS*

*Cross reference(s)--Animals, Ch. 6.

DIVISION 1. GENERALLY

Sec. 42-271. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement ride means a mechanical device which carries passengers along, under, around, through or over a fixed course, or within a limited area, for the amusement of the passengers, and includes but is not limited to a merry-go-round or ferris wheel.

Carnival means a traveling or temporary enterprise which entertains the public by the provision of one or more amusement rides, and includes all exhibitions, games, entertainments, restaurants, food and beverage stands, rides or other amusements which may be located upon the premises of the carnival.

Circus means a traveling show or performance which includes feats of skill or daring by humans or animals or which includes displays of wild animals.

(Code 1975, § 19-2; Ord. No. 2224, § 1, 1-11-93)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 42-272. Violations and penalties.

Any person who shall violate any of the provisions of this article, including failure to comply with the terms and conditions of the license, shall, upon conviction, be punished as provided in Section 1-8(a).

(Code 1975, § 19-9; Ord. No. 2224, § 1, 1-11-93)

Sec. 42-273. Assumption of liability.

Nothing in this article shall create any duty to any person with regard to the enforcement or nonenforcement of the article. No person shall have any civil liability remedy against the City, its officers, employees, or agents, for any damages arising out of or in any way connected with the adoption, enforcement, or nonenforcement of this article, and nothing in this article shall be construed to create any liability or to waive any immunities, limitations on liability, or other provisions of the Governmental Immunity Act (C.R.S. § 24-10-101 et seq.), or to waive any immunities or limitations on liability otherwise available.

(Code 1975, § 19-11; Ord. No. 2224, § 1, 1-11-93)

Secs. 42-274--42-300. Reserved.

DIVISION 2. LICENSE

Sec. 42-301. Required.

It shall be unlawful for any person to conduct or permit to be conducted within the City a circus or carnival without a license first having been obtained therefor from the City.

(Code 1975, § 19-1; Ord. No. 2224, § 1, 1-11-93)

Sec. 42-302. Application, procedure.

No license shall be issued pursuant to the provisions of this division unless the applicant submits to the City Clerk the following:

- (1) At least 20 days prior to the commencement of operations, a completed application, signed under oath as to the truthfulness of its contents, on a form prepared by the City Clerk. The application form shall include, but not be limited to:
 - a. The names, addresses and phone numbers of the applicant, owner and operator of the circus or carnival.
 - b. The name and address of each of the applicant's employees who will be performing services in the City in conjunction with the circus or carnival.
 - c. A statement certifying no amusement ride will be operated by a person under the age of 18 years.
- (2) The license fee.
- (3) A cash deposit of \$250.00 for anticipated sales taxes. These funds shall be retained by the City until a sales tax return is submitted by the licensee. If the deposit amount is in excess of the sales tax due, such excess shall be returned to the applicant within 20 days. In the event additional sales taxes are due and owing after a sales tax return is filed, the City may pursue such other action as is appropriate for the collection of such additional sales taxes due and owing. If no sales tax return is filed by the applicant for a period of 20 days after the close of the event, the deposit is forfeited by the licensee.
- (4) Evidence that a public liability insurance policy is in force and effect for the term of the event in an amount of not less than \$150,000.00 per each person and \$600,000.00 per each occurrence which names the City as an additional insured.
- (5) A bond in the amount of \$2,000.00 conditioned upon the applicant not violating the provisions of the license or federal, State or municipal law and conditioned further that no damage will be done to the streets, sewers, trees, adjoining property or other City property and that no dirt, paper, litter or other debris will be permitted to remain upon the streets or City property or upon any private property by such applicant or the applicant's agents or employees. The City may also draw against the bond to the extent reasonably necessary to protect the public health, safety and welfare. In lieu of such bond, the applicant may deposit with the City \$500.00 to \$2,000.00 as deemed appropriate by the City Clerk based on the duration of the circus or carnival, the number of riders or attractions, and any other factors which may affect the impact the circus or carnival will have on municipal property or services. After the expiration of the license the bond or cash deposited with the City shall be returned to the applicant upon certification by the code enforcement unit that the applicant has complied with all the conditions of this article.
- (6) Written authorization from the owner or other person in lawful possession of the premises upon which the circus or carnival is to be held or conducted that the circus or carnival may be held or conducted on such premises.
- (7) Evidence as to what arrangements have been made to accommodate parking for patrons while the circus or carnival is in operation.
- (8) Written confirmation from the Planning Director that the circus or carnival would not violate the zoning laws of the City.
- (9) Written confirmation from the Building Inspection Division that the facilities and equipment for the circus or carnival have been inspected and are in compliance with the applicable provisions of the Fire Code as adopted in Section 10-160 and applicable provisions of the Electrical Code adopted in Section 10-162.
- (9) Written confirmation from the Building Inspection Division that the facilities and equipment for the circus or carnival have been inspected and are in compliance with the provisions of Article 32 of the Fire Code adopted in Section 10-160 and applicable provisions of the Electrical Code adopted in Section 10-162.
- (10) If food is to be served, the City Clerk may require written confirmation from the appropriate officer of the City or Tri-County Health Department of compliance with all applicable

State laws and municipal ordinances which pertain to the provision of food service.

(11) Written confirmation from the Chief of Police that the site plan of the licensee has been examined and approved or approved with conditions by the Police Department. Approval of the site plan by the Police Department will be with regard to public safety. If the Chief of Police deems it appropriate that additional police protection be provided in conjunction with the operation of the circus or carnival, the applicant shall also deposit with the City Clerk a cash deposit for any such additional costs in an amount determined appropriate by the Chief of Police.

(12) Any other term or condition deemed necessary to protect the public health, safety, or welfare.

(Code 1975, § 19-4; Ord. No. 2224, § 1, 1-11-93; Ord. No. 2606, § 9, 4-10-00; Ord. No. 2656, § 28, 2-12-01; Ord. No. 2958, § 7, 9-26-06)

Sec. 42-303. Fee.

The fee for the license required under this division shall be as established by resolution of the City Council for the first day and as established by resolution of the City Council for each additional day of operation.

(Code 1975, § 19-3; Ord. No. 2224, § 1, 1-11-93)

Sec. 42-304. Waiver of fees and deposits.

The City Manager, at the City Manager's discretion, may waive any or all of the license fee requirements, the sales tax deposit and the cash bond deposit provided for in this division when the applicant for a license is a nonprofit organization or governmental entity. A nonprofit organization shall be defined as any organization exempt from taxation under Section 501(C)(3) of the Internal Revenue Code.

(Code 1975, § 19-10; Ord. No. 2224, § 1, 1-11-93)

Sec. 42-305. Term.

When the time for which a license issued under the provisions of this division is specified by dates, the hour of the issuance and termination of such license shall be stated thereon. The license will be effective when the exhibition is opened to the public and will expire according to the term contained on the face of the license. The term, if not otherwise limited, will be fixed by the fee paid by the applicant in accordance with Section 42-303.

(Code 1975, § 19-8; Ord. No. 2224, § 1, 1-11-93)

Sec. 42-306. Denial, suspension or revocation.

(a) The City Manager shall deny an application for a circus or carnival license which is not in compliance with Section 42-302. Notice of denial shall be mailed to the applicant at the address listed in the application and/or delivered personally to the applicant or representative at the circus or carnival site, prior to the date of commencement of the event.

(b) The City Manager may suspend or revoke a license, upon one or more of the following grounds:

(1) Failure to comply with the requirements of this article.

(2) Violation of a federal, State or municipal law arising from the applicant's operation of the circus or carnival.

(3) A material misrepresentation in the application or other material submitted by the applicant to the City Clerk, Police or Fire Department.

(4) Creating a public nuisance, as defined in C.R.S. § 16-13-301 et seq.

(c) Notice of a suspension or revocation shall be mailed to the applicant at the address listed in the application and/or delivered personally. The suspension or revocation will become

effective immediately upon the City Manager's decision.
(Code 1975, § 19-5; Ord. No. 2224, § 1, 1-11-93)

Sec. 42-307. Hearing on suspension or revocation.

- (a) Any person aggrieved by the suspension or revocation of a license issued pursuant to this division shall have the right to a hearing on such action to the City Manager.
- (b) A request for such a hearing shall be filed with the City Clerk's office within five business days from the date of the notice of suspension or revocation.
- (c) The request for hearing must specify with particularity the basis alleged by the applicant for error in the suspension, or revocation of the license.
- (d) The City Manager shall hold such hearing no later than five business days after receipt of the request for hearing by the applicant and shall render a decision in writing and mail the decision to the applicant at the address listed in the application within two business days of the hearing.
- (e) Hearings shall be conducted in compliance with standards of procedural due process applicable to administrative hearings, including the right to be represented by legal counsel, to present testimony and to confront witnesses. The City Manager shall apply the standard for review of whether the City abused its discretion, acted arbitrarily or acted in excess of its authority under this division. Additionally, the appellant shall have the burden to show by a preponderance of the evidence why the suspension or revocation of the carnival license was improper under this standard.
- (f) The City Manager's decision shall be final and shall be deemed an exhaustion of all administrative remedies.

(Code 1975, § 19-6; Ord. No. 2224, § 1, 1-11-93)

Sec. 42-308. Appeal.

Any appeal of the decision by the City Manager to suspend or revoke a license required under this division is subject only to judicial review as may be authorized by law.

(Code 1975, § 19-7; Ord. No. 2224, § 1, 1-11-93)