



**TOWN OF AVON, COLORADO  
RESOLUTION NO. 15-18  
SERIES OF 2015**

**A RESOLUTION INCREASING AN ADMISSION TICKET FEE ON TICKETS FOR EVENTS HELD ON TOWN PROPERTY AND AMENDING THE USE OF FEES COLLECTED FOR CERTAIN IMPROVEMENTS AND USES TO INCLUDE THE ADDITION OF PAVILION MAINTENANCE AND RESTATING ALL SECTIONS OF ADOPTED RESOLUTION 13-26, SERIES 2013, TO ENSURE FULL COMPLIANCE IN THE ADMINISTRATION, COLLECTION AND USE OF THE ADMISSION TICKET FEE**

WHEREAS, the Avon Town Council has identified “Special Events” as a strategic priority to improve the Town of Avon’s economic condition and to add to the quality of life for Avon residents and tourists; and,

WHEREAS, the Town may regulate the use of Town parks, special event areas and other Town owned property in accordance with the Town’s home rule authority, state statute and Chapter 9.40 of the Avon Municipal Code;

WHEREAS, the Avon Town Council passed *Resolution 13-26 A Resolution Imposing an Admission Ticket Fee on Tickets for Events Held on Town Property and Dedicating the Use of Fees Collected for Certain Improvements and Uses* on September 24, 2013, and has identified the need to increase the fee and amend allowable uses.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF AVON, COLORADO, the following:

**Section 1 - Admissions Fee Established.** An “Admission Ticket Fee” is hereby established which shall be levied on every ticket for admission to a special event held on Town property for which a charge for admission is imposed by the holder of the special event permit (“Vendor”). Any person who purchases or accepts an admission to a special event on Town property, including but not limited to Nottingham Park, other Town parks, public right-of-ways, or parking lots, is exercising a privilege of admission. Every special event Vendor who charges a price for admission to such special event to the general public shall collect the Admission Ticket Fee imposed by this Resolution in the manner set forth herein. The Town Manager may waive all or a portion of the Admission Ticket Fee for a specific special event if the Town Manager finds in the Town Manager’s discretion that such waiver (1) will promote the viability of the special event, (2) will promote accessibility of Avon community to the special event, (3) is appropriate in that the impacts of the special event do not warrant the Admission Ticket Fee, or (4) the Vendor proposes such other terms, payments or benefits which equal or exceed the benefit of the Admission Ticket Fee.

Beginning on the date of this Resolution, the following Admission Ticket Fee shall be levied person per ticket sold or provided as a complimentary admission:

- Ticket for single day admission = \$3.00
- Ticket for two-day admission = \$6.00
- Ticket for three-day admission = \$9.00

**Section 2 - Collection and Remittance of Admission Ticket Fee.**

(a) The Vendor of a special event who imposes and collects a charge for admission to attendees, or any portion of attendees, shall impose and collect the Admission Ticket Fee on every ticket for admission to the special event, including any tickets or privilege of admission that are provided on a complimentary to a special event for which a charge is imposed on other attendees. The Admission Ticket Fee shall be deemed to be held in trust by the Vendor

required to collect the Admission Ticket Fee until remitted to the Finance Director according to the provisions of this Resolution. The Admission Ticket Fee shall be collected at the time the admission charge is paid or at the time a complimentary ticket or privilege of admission is granted to an attendee.

(b) Every Vendor collecting an Admission Ticket Fee shall file with the Finance Director within thirty (30) days following the last day of the special event for which an Admission Ticket Fee is levied a statement indicating the total number of tickets and privilege of admission to the special event issued to attendees, the total amount of the Admission Ticket Fees collected by ticket type during the admissions sale period and such further information as the Finance Director may deem necessary to determine the amount of the Admission Ticket Fees collected and payable. The Vendor shall remit the entire amount of the Admission Ticket Fee collected with the statement.

**Section 3 – Exclusions.** The Admission Ticket Fee shall not be payable by the following attendees if admitted to any festival/special event without charge. The Town Manager may limit the numbers of each type of attendee admitted without charge.

- (a) A bona fide officer or employee of the Vendor of the special event;
- (b) Any federal, state, city, county or Town official employee attending the event on official business;
- (c) Any person whose admission to such special event is required for the performance of some duty or work for the operator of such special event;
- (d) Any newspaper reporter, photographer, telegrapher, radio announcer or person performing a similar vocation who is admitted for the performance of special duties in connection with the special event and whose special duties are the sole reason for his or her presence; and/or
- (e) A child under thirteen (13) years of age, who is admitted without charge.

**Section 4 - Failure to Remit; Penalties for Non-Payment.** Every Vendor required to collect an Admission Ticket Fee who fails to collect the applicable Admission Ticket Fee or any portion thereof shall be liable to the Town for the amount of the Admission Ticket Fee plus a penalty of fifteen percent (15%) of the total amount due plus interest on the amount due and penalty at the rate set forth in Chapter 3.32 of the Avon Municipal Code plus any costs of collection incurred by the Town.

**Section 5 – No Assumption of Admission Ticket Fee.** The Vendor of special events shall agree that the Vendor shall not represent that the Admission Ticket Fee will be assumed or absorbed by the Vendor, that Admission Ticket Fee will not be added to the selling price of the admission sold or, if added, that it or any part thereof will be refunded.

**Section 6 - Printing of Admission Ticket Fee on Ticket.** On each admission ticket, wristband or card sold, the following words or their equivalent identifying the amount of Admission Ticket Fee levied shall be conspicuously and indelibly printed, written or stamped on the face or back of that part of the ticket which is sold by the Vendor: “Town of Avon Admission Ticket Fee \$3 per Day.”

**Section 7 - Determination of Fee Due.** If any Vendor required to collect and remit the Admission Ticket Fee fails to file a statement and a remittance, or if the Town Manager has reasonable cause to believe that an erroneous statement has been filed, the Town Manager may proceed to determine the amount due to the Town and, in connection therewith, shall make such investigations and take such testimony and other evidence as may be necessary. The Town shall provide at least six (6) days prior written notice to the Vendor before conducting an administrative hearing and shall provide an opportunity for the Vendor to provide testimony and evidence before the Town Manager renders a final decision.

**Section 8 - Right of Inspection and Audit.** It shall be the duty of every Vendor to keep and preserve suitable records of all ticket types sold and such other books or accounts as may be necessary to determine the amount of the Admission Ticket Fee for the collection or payment of which the Vendor is liable. The Town Manager may make, or

cause to be made the examination, inspection or audit of books, invoices, accounts and other records so kept or maintained by such Vendor.

**Section 9 - Collection and Payment of Disputed Fee.** Should a dispute arise between the purchaser and the Vendor or between Vendor and the Town Manager as to whether the sale of admission is exempt under this Resolution, the Vendor, shall collect and the purchaser shall pay the Admission Ticket Fee, and the Vendor or purchaser shall thereupon issue a receipt or certificate, showing the names of the purchaser and Vendor, the date, price and amount of Admission Ticket Fee paid, and a brief statement of the claim of exemption. The purchaser or Vendor may apply to the Town Manager for a refund of such fees, and it shall be the duty of the Town Manager to thereupon determine the question of exemption and to provide for a refund if necessary.

**Section 10 – Incorporation into Special Events Permit or Contract.** The terms of this Resolution shall be referenced and incorporated into any special events permit or contract for special events along with such other terms as may be deemed appropriate and necessary for the administration and enforcement of the Admission Ticket Fee.

**Section 11 - Town of Avon use of Admission Ticket Fees.**

- (a) All Admission Ticket Fee revenues collected shall be utilized for special event related capital facilities, maintenance, equipment and infrastructure improvements, including but not limited to:
  - (i) Acquisition of assets for special events such as tenting, fencing, cord channels, staging, resource recovery, directional signage, or generators/turtle box.
  - (ii) Improvement in park and Town-owned facility infrastructure such as type and location of power, resource recovery, warm water access, grey water and grease disposal receptacles, materials for conversion of facilities for various event types, and field and trail improvements.
  - (iii) Maintenance of the Park Pavilion and Nottingham Park Upper Field attributable to special event and festival use.
- (b) The Admission Ticket Fee revenues, with Town Manager approval, may be used to defray police, public transportation and traffic control costs when provided by the Town as an in-kind benefit for the special event.